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Newton D. Baker Scrapbook, October 1904-February 1905

Newton D. Baker

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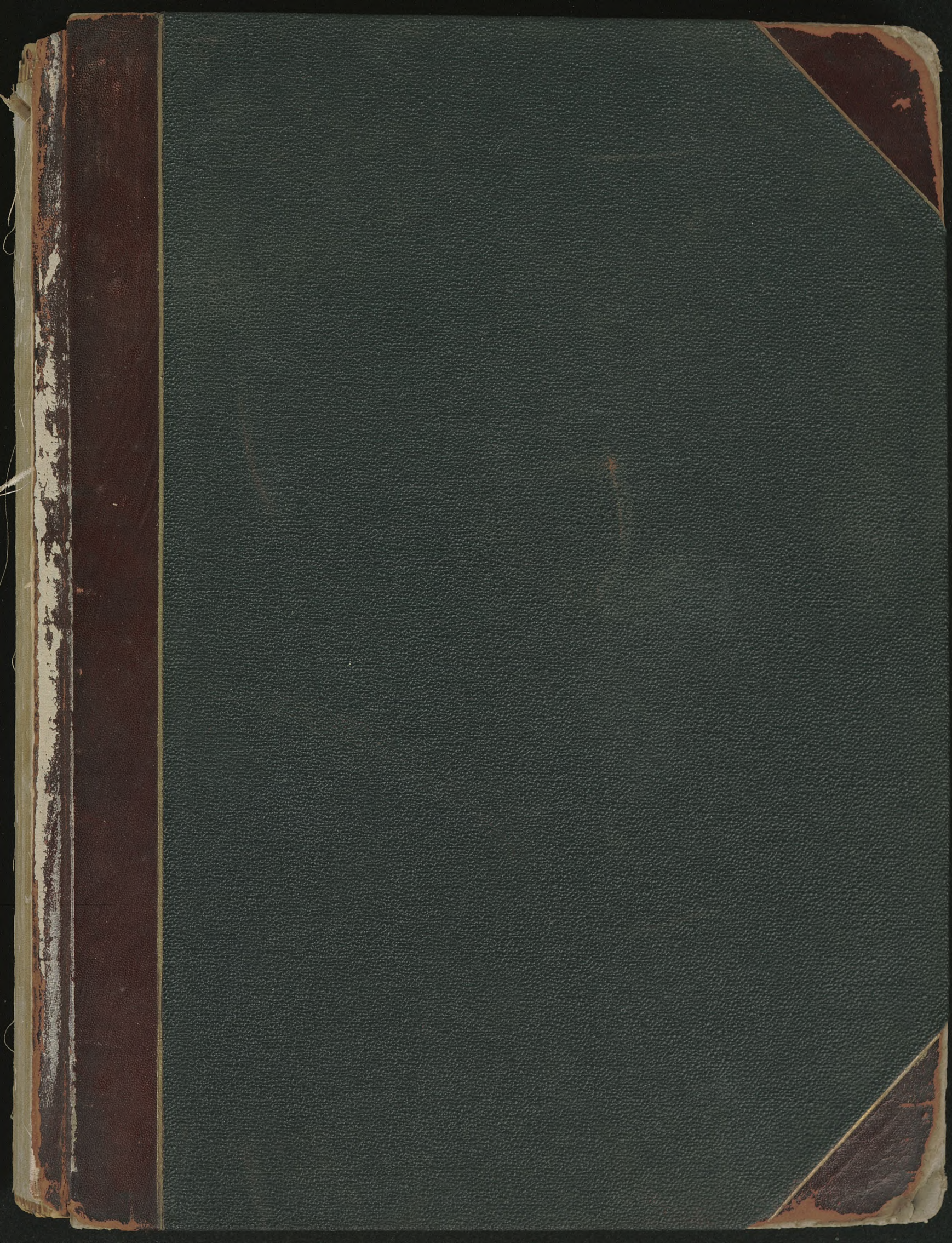


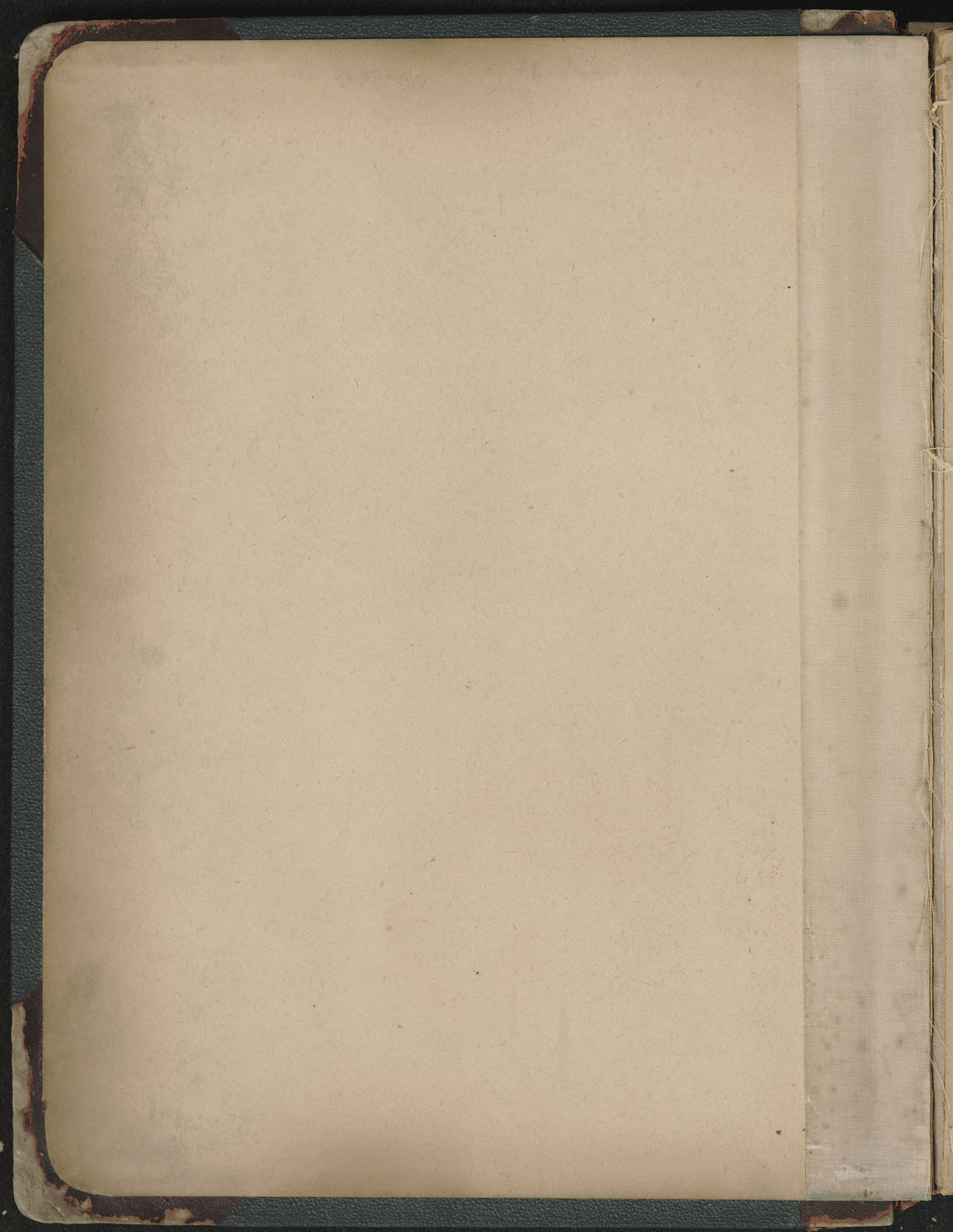
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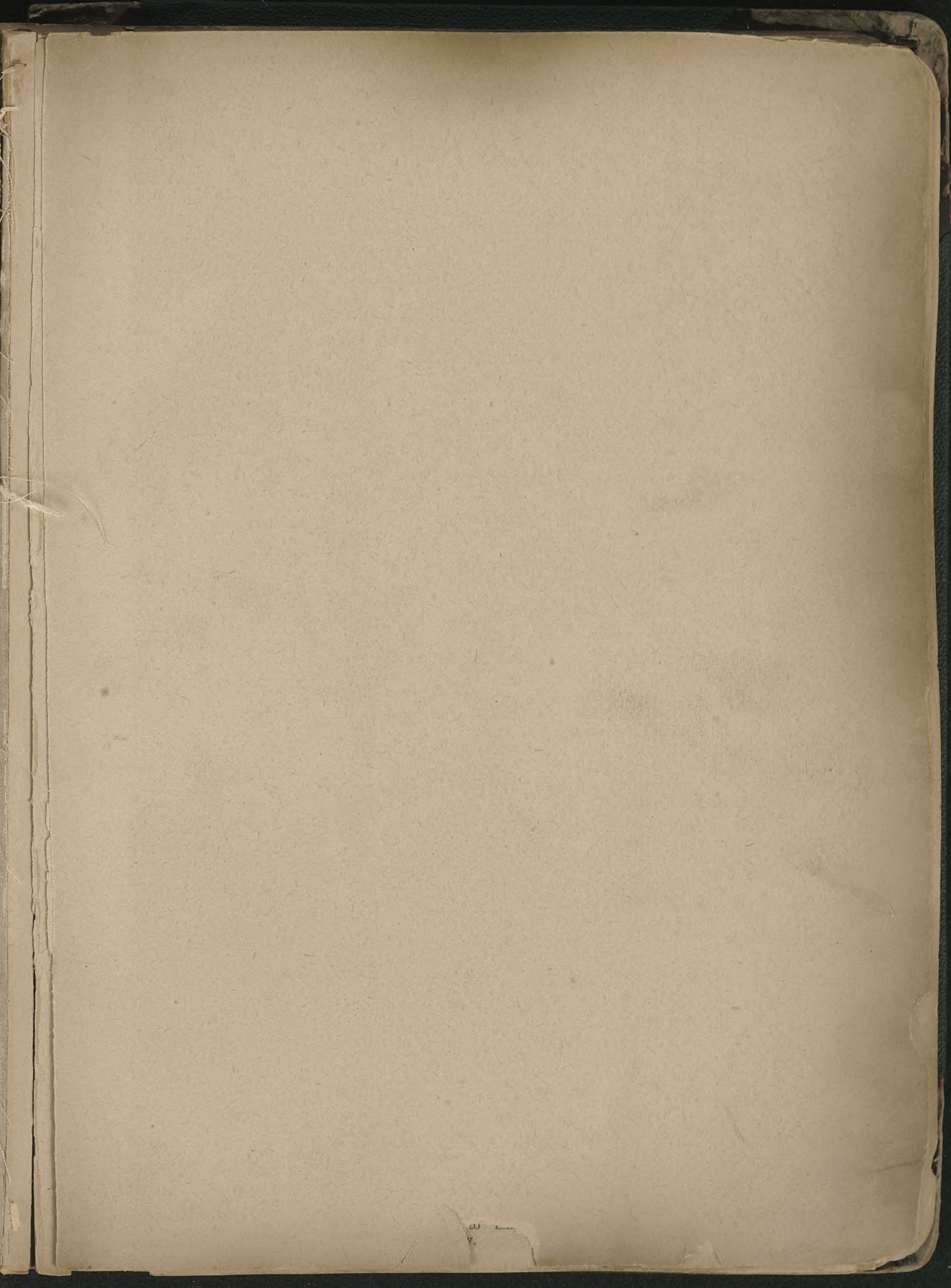
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TAXATION TO BE PARTY'S ISSUE

At Democrats' Opening N. D. Baker Said a Conspiracy Had Been Formed.

Told of a Movement to Manipulate Taxes in Cuyahoga County.

OLD CAMPAIGN TENT USED

Ovation for Mayor Johnson When He Appeared in Auto—Interest Centered in Mayor's Speech—Candidates and Democratic Marching Clubs Out in Force With Bands and Drum Corps—Campaign Oratory Will be Confined Principally to Local Issues.

"I bring the direct charge that there is now a corrupt conspiracy in this city conceived for the purpose of controlling and manipulating the taxation machinery of the county. The conspiracy was hatched something more than two months ago. An enormous corruption fund was collected. Votes were openly bought in the Republican convention.

"As the opportunity presents itself during the campaign I intend to make the history of this conspiracy plainer and tell you that it will be thoroughly opened up in all its ramifications.

"You may search the annals of the Republican party in this county and the worst you can find will not compare with what has been done and is now being attempted in this city, making the very word Republican a byword and a scandal. You will notice that I am not mentioning a single name, but as the campaign progresses this may be necessary for men sometimes embody principles."

With the above language, Newton D. Baker last night stirred to enthusiasm a great crowd attending the formal opening of the local Democratic campaign in the famous old Johnson campaign tent pitched at the corner of Clark and Gordon avenues.

Mr. Baker and Mayor Johnson, who followed him made it plain that the Democratic effort in this county this fall will be along the lines of a plea for equal taxation and as such the arguments will largely center around the control of the county auditor's office and the taxation machinery of the county.

A great crowd that more than filled the tent came out to attend the opening, among them being the Democratic clubs of the West Side, the members of which

marched to the tent in a body headed by the Sycamore club, two bands and a drum corps. The arrival of Mayor Johnson in his auto was the signal for a generous outburst of applause which continued until after he had wedged his way through the tent and taken his seat upon the platform.

Interest centered around the speech of Mayor Johnson and frequently during the evening while other speakers were holding forth there were cries for the mayor. But the mayor was held to the last giving an opportunity for a sort of limelight introduction of Democratic candidates including Vice Mayor Lapp, candidate for congress; R. C. Wright, candidate for auditor; John Vevera, candidate for commissioner; Joseph V. McGorray, candidate for sheriff; and George R. Palda representing the candidates for the school council.

Intending to go into a discussion of the taxation question, Mayor Johnson was forced to take up the 3-cent fare proposition from the very beginning of his speech. Hardly had the applause subsided after Mr. Johnson's introduction by Councilman Robert Koch, as chairman, than from the rear of the tent came the cry "What is the matter with 3-cent fare?"

"What is the matter with 3-cent fare? I will tell you," responded Mayor Johnson quick as a flash. "I will answer by stating that the courts are holding back the 3-cent fare proposition. Two legislatures have been fighting 3-cent fare, but with all the obstacles and with all the ownership of legislatures and the control of courts, the corporate interests have not yet secured a 5-cent franchise."

"How about the Denison avenue line?" came a second cry from the same part of the tent. "My friend I do not know who you are, but you are privileged to ask questions as are all others who attend these meetings, but come forward and let me introduce you," replied the mayor. Instantly there were loud cries for the questioner to come forward and show himself, but he shrank back in evident fear of too much publicity.

"Well if you do not care to come forward, never mind," continued the mayor while the crowd still cried for the interrogator to show himself. "Today I saw a copy of a paper published to tickle the feeling of those interested with the corporations in the great questions which we are discussing. In this paper is a picture purporting to represent Denison avenue before and after the putting in of the 3-cent fare line. An article accompanying the picture goes on to say that 3-cent fare is dead and buried, and cites as proof the fact that the rails are buried. I guess it is true that the rails are buried, but it would be far better if cars were running over the rails at a 3-cent fare. They say it is nothing but a Tom Johnson bluff. Let us see. Why is it necessary to get eight or nine injunctions against a bluff. The people behind the Denison avenue line stand ready to operate such a line for 3-cents fare, and are also willing to take over the expiring franchises of the Woodland and Central avenue lines on the same basis. If this is all a bluff why not let us go ahead with the proposition and force a demonstration that it is a bluff?"

The vim with which Mr. Johnson went into the street railway question had an effect to put an end to questions along these lines and the mayor went on to discuss other issues going immediately into a discussion of the equalization of taxes. The mayor briefly reviewed what has been attempted along the lines of equalizing taxes since the induction into office of Auditor Wright.

"From a little over \$3,500,000 the tax duplicate of the public service corporations in this city have been raised to over \$7,000,000," said the mayor. "The accomplishment of this has been the result of the efficient service of Auditor Wright and of the agitation of the ques-

tion of taxation which we have been stirring up during the recent campaigns not only in Cuyahoga but over the entire state.

"Just previous to the time when Mr. Wright went into office the public service corporations turned over an extra \$113,000 to avoid the payment of something over a million dollars which the officials of these corporations knew to be due the county and city. The deal whereby the \$113,000 was turned over was made during the term of office of the predecessor of Mr. Wright, Mr. Craig. But I give another man the largest share of the credit in the framing of the deal whereby the corporations sought to close the doors to action for the collection of back taxes in far greater amounts. And that man is Frank Sarstedt, present Republican candidate for auditor, and at that time chief deputy under Craig.

"Sarstedt is here in the tent," came a voice from the crowd.

"I am very glad of that fact," replied the mayor. "I do not intend to say anything behind Mr. Sarstedt's back during this campaign which I would not say to his face. If Mr. Sarstedt objects to anything I say he is perfectly welcome to make answer. I believe that Mr. Sarstedt knew all about that settlement and I believe that he will do very much less for the people in the fight for the equalization of taxes than Mr. Wright. I have known Frank Sarstedt for years and as a man I like him, but when it comes to the control of the auditors office I firmly believe that the interests of the people will be far better protected by the reelection of Mr. Wright.

"Mr. Wright has just added \$10,000,000 to the tax duplicate of the public service corporations the officials of which will undoubtedly go to Columbus and make an effort to have the addition taken off, but not until after election. Four years ago the tax duplicate in this city was a trifle over \$150,000,000, while today it is over \$200,000,000. This great increase is largely due to the agitation started to force the taxing of public service corporations under the same rules by which the small homes and factories are taxed.

At this juncture Mayor Johnson attempted to desist, but the crowd enthusiastically called upon him to continue. By way of diversion the mayor went on to make personal comment concerning the Democratic county candidates to the evident pleasure of the crowd and the visible embarrassment of the candidates most of whom were seated upon the platform.

Mr. Baker had intended to discuss the questions of the campaign under four heads, but after commenting in telling language on the record of the last legislature he went into a discussion of national affairs, turning in conclusion to charge the formation of a conspiracy in this county to control the taxation machinery of the county and city.

In talking of the national aspect of the campaign Mr. Baker drew a sharp contrast between President Roosevelt, "the man with the big stick and the military spirit," and Judge Parker, "the man whose ways are ways of peace and who has veneration and respect for the United States constitution."

WANTS BACK SALARY.

Gongwer Asks City Solicitor to Define His Prospects.

Charles S. Gongwer, clerk of the building code commission, asked City Solicitor Baker yesterday for an opinion as to whether or not the resolution passed by the council Monday night, authorizing the employment of a clerk by the commission, was broad enough to permit of the payment to him of \$60 in back salary which he says he has coming.

Mr. Baker took the matter under advisement and will give an opinion later.

BAKER SAYS HE WILL DIG DEEP.

PROMISES TO SPRING A SENSATION IN HIS CAMPAIGN
SPEECHES—MADE FIRST CHARGE TUESDAY NIGHT.

A general exploitation of the inside workings of the Republican county convention will be the theme for the speeches to be made by City Solicitor Baker in the fall campaign.

He is endeavoring to collect material from every possible source before making any specific charges. In this he will probably have the assistance of many of the disgruntled members of the opposition party. He fired the first shot at the opening meeting Tuesday night, in the tent at Clark and Gordon-avs. He said:

"I bring the direct charge that there is now a corrupt conspiracy in this city conceived for the purpose of controlling and manipulating the taxation machinery of the county. The conspiracy was hatched something more than two months ago. An enormous corruption fund was collected and votes were openly bought in the Republican convention."

Wednesday a "Press" reporter asked Baker to be more specific in the charges. To this he replied that he would make no further statement until later in the campaign.

"But last night you made the direct charge that there had been corruption, and that there was a conspiracy now to turn the county ma-

chinery over to the corporations. Is that true?"

"The statement made in my speech last night," said Baker, "to which you refer, was that in my opinion there was a conspiracy or design on the part of some men to capture the control of the county and city governments largely in the interest of the public service corporations and directly against the interest of the program of tax equalization which has been agitated here. This charge is, I think, a legitimate inference from the statements which have appeared in the public prints and are current upon the street as to the methods used to control the Republican primaries, and the methods used in the Republican county convention, as well as from the personnel of some of the candidates chosen.

"I hope in this campaign to be able, both for my own satisfaction and that of the people at large, to explore this matter to the bottom, and to produce in public all the information I can secure upon it."

"I will not, however, permit myself at any time to make idle partisan charges, but will endeavor, whenever I can say anything on the subject, to produce the authority and to name the persons who are involved in the transaction which seems to me to substantiate the charge which I made."

Further than the above, Baker refused to go into detail relative to the charges.

BAKER TALKED OF TAX CORRUPTION

Said He Might Spring a Sensation at a Later Date

The local Democratic campaign was formally opened in the Johnson campaign tent, at the corner of Gordon and Clark avenues, Tuesday night. The crowd was large and enthusiastic. The members of several West Side Demo-

cratic clubs marched to the tent in a body, headed by two bands.

Speeches were made by City Solicitor Newton D. Baker; Vice Mayor Lapp, candidate for Congress; R. C. Wright, candidate for auditor; Joseph V. McGorray, candidate for sheriff; John Vevera, candidate for commissioner; George R. Palda, representing the candidates for the school board, and, lastly, Mayor Tom L. Johnson.

Mr. Baker won close attention by talking about a gigantic conspiracy which he claimed was hatched some months ago to raise a large corruption fund with which to manipulate the taxation machinery.

"You will notice that I am not mentioning a single name," said Mr. Baker, "but as the campaign progresses, this may become necessary."

Charges in connection with the taxes were also made by Mayor Johnson. He likewise touched upon the 3-cent fare question, in answer to cries from his audience that he say something along that line.

"Two Legislatures have been fighting 3-cent fare," said the mayor, "but with all the ownership of Legislatures and control of courts, the corporate interests have not yet secured a 5-cent franchise."

F. A. QUAIL TO OPPOSE HENRY

Democrats Named a Prominent Lawyer as Candidate for Circuit Judge.

The Nomination Sought the Man and His Backers Expect Him to Win.

Frank A. Quail, member of the law firm of Henderson, Quail & Siddall, was nominated for circuit judge by the Democrats of the eighth judicial district at the judicial convention held yesterday afternoon. The name of Mr. Quail was the only one presented to the convention and he was nominated by acclamation. He was not present to respond to the honor conferred upon him.

The convention was held in the criminal courtroom and was called to order by Matt Excell, chairman of the district committee. George Adams, assistant corporation counsel, was elected secretary.

Newton D. Baker placed Mr. Quail in nomination, speaking briefly of his career of conspicuous success before the bar of Cuyahoga county and of his fitness to sit on the circuit court bench. Immediately following Mr. Baker's remarks the nominations were closed and Mr. Quail was named as the unanimous choice of the convention.

The new judicial district committee, which will have charge of the campaign, was named as follows: Newton D. Baker, George A. Adams, J. F. Wilson, J. A. Fogle, W. A. Carey of Cuyahoga, Charles Brenner of Akron and H. B. Harrington of Medina.

CLARKE WILL SPEAK BEFORE HE GOES EAST

Hon. John H. Clarke will deliver three addresses in the Johnson tent this week before he leaves for the East. On these nights Mayor Johnson will take a rest. Mr. Clarke is scheduled to speak at South Brooklyn, Newburg and Collinwood.

The Democratic tent will be at Berea, Wednesday night, and speeches will be made by the candidates on the county ticket, and Mayor Johnson and City Solicitor Baker.

DAVIS SAYS HE IS READY TO ACT ON FACTS.

IF BAKER OR LEACH WILL SPECIFY CHARGES CHAIRMAN SAYS HE WILL INVESTIGATE ASSERTION THAT MONEY WAS USED FOR NOMINATIONS.

BULLETIN.

"I don't want to talk about Mr. Davis' proposition now," said City Solicitor Baker, Thursday. "I want time to consider it."

"If City Solicitor Baker will make definite his charge, that money was used by corporations to secure the nomination of any Republican county candidate, I, as chairman of the county committee, will begin an investigation," said Chairman Hy Davis, Thursday.

"I want Mr. Baker to name time, place and individuals involved."

"As for any knowledge Chas. F. Leach possesses, as Mr. Baker intimates, I want to say that Mr. Leach has been called upon publicly to make known this information, and he has been silent. If Mr. Leach has this information, and will name time, place and individuals, I will order an investigation.

"Until this is done, there certainly will be no investigation, for the committee disbelieves absolutely these veiled, mysterious charges that Mr. Baker is spreading through the city."

"He has not deposited the money in any bank yet, has he?" asked City Solicitor Baker, Thursday, when his attention was called to the challenge issued Wednesday night by Frank Sarstedt, offering to give \$1000 to charity if proof could be brought to show that the public service corporations had furnished money to secure the nomination of any of the candidates at the Republican county convention or had contributed anything to the campaign fund.

"It seems to me," said Baker, "that the Republican executive committee should make an investigation. There are men on the finance committee of the Republicans who are of unimpeachable character, men who stand high in business in Cleveland. They should investigate these charges which have been made on the streets and in the public print. Men identified with the party have offered to make affidavit to the fact that money was used to purchase votes in the county convention. Chas. Leach would give them the evidence if they should ask for it. He would not give it to me. I do not propose to make any charges in the campaign unless I have good reason to believe they are true. This is a matter that should be above party. It is a matter that threatens our form of government."

Democratic Meeting.

Tonight's Democratic meeting will be held at Berea, Bagley road, west of Front street. W. H. Loney, chairman. Speakers: Tom L. Johnson, Newton D. Baker, J. V. McGorray, John Veveva, Robert C. Wright, Charles W. Lapp. Joint meetings of Middleburg, Olmstead, Rockport and Strongsville townships.

RIVAL SHOWS IN GLENVILLE.

There will be rival shows at Glenville Friday night. The Republicans have rented the town hall and

TEACHERS FIND MORE FAULTS

Provisions of the School Code Are Not All Satisfactory.

City Solicitor to be Asked to Give Opinion on Questions Involved.

High school teachers have been thrown into consternation upon learning of the provisions of the new school code which will require them to take examinations in several additional branches in order to secure a high school certificate to teach.

When the code matter came up at Columbus at the last session of the legislature the fight was centered on the plan of school government, and teachers overlooked the additional requirements that slipped in the code. Now the teachers say they are finding out that the new code contains objectionable features which strike them hard when it is too late for anything to be done.

"It will hit the high school teachers very hard," said Supt. Moulton yesterday, in speaking of the additional branches which a majority of the high school teachers will have to take examinations in.

Clerk Meck of the board of examiners had a number of inquiries yesterday from high school teachers regarding the requirements of the law. It is likely that several of the teachers will take the examinations next Friday and Saturday. Copies of the new school code are in every executive office at school headquarters, and school officials are constantly finding provisions of the new code which necessitate interpretation from City Solicitor Baker.

The new code provides that special teachers of music, drawing, painting, penmanship, gymnastics, German, French, the commercial and industrial branches must have a special certificate. The code makes no provision for the special teachers in elocution, oratory and reading, of which there is one in each school. Director Cadwallader said yesterday that he would ask City Solicitor Baker to give an opinion as to what those teachers should do in regard to the matter. Clerk Meck of the board of examiners is of the opinion that those teachers may have to take the examinations for high school certificates. Supt. Moulton said that it would be a great hardship on the teachers if they had to take the examinations for high school certificates when the other special teachers only had to be examined in their special line of work.

will offer as the stars Spellbinder Morgan Wood and Congressman Beidler.

Mayor Tom's tent has been erected just across the street from the town hall. Mayor Tom, Newton D. Baker and a dozen candidates will hold forth in it.

Glenville is to have plenty of politics for one night.

SEES NO HELP FOR TEACHERS.

BAKER THINKS THEY WILL HAVE TO SUBMIT TO LITERARY EXAMINATIONS—SCHOOL BOARD ASKED FOR AN OPINION.

The new school law making it compulsory for all teachers in the public schools to submit to a literary examination before they will be permitted to teach again has been given by the school board to Solicitor Baker for examination as to its validity. The law is one feature of the new code and is highly objectionable to many of the teachers. Some of them who have life certificates to teach have been strenuously objecting to it, as heretofore their certificates exempted them from all forms of examination. Baker said Tuesday that he was not as yet fully prepared to state whether the law was constitu-

tional, but that he would have his opinion ready in a few days.

"It is certainly within the province, however, of the legislature to make any changes it may see fit to make in the qualifications necessary for a public school teacher," said Baker. "I cannot pass upon the matter finally, though, until I have had an opportunity to examine into it."

Baker said further that a life certificate held by a teacher does not create such a contractual obligation between the holder and the state as to come within the constitutional prohibition of laws impairing the obligation of contracts.

BAKER CAUSED A COMMOTION

Republicans Discuss His Conspiracy Charges and Term It a Campaign Bluff

Sarstedt Offers \$1,000 for Charity if Charges Can Be Proven

The Republican leaders filled the rooms of the Tippecanoe Club Wednesday night and made vigorous denial of the insinuations and direct charges of Newton D. Baker, that there had been a conspiracy to gain control of the taxation machinery of the county.

Frank Sarstedt, candidate for auditor, said:

"In order to frame up a conspiracy to control the taxation machinery of this county it is absolutely necessary to include the county auditor. I was present at the tent meeting myself and heard the charge of conspiracy made. I want to state that there is absolutely no truth in the statement that a conspiracy of any nature is being or has been formed.

"Although I am not a rich man, I now stand ready to deposit \$1,000 in any Cleveland bank, the money to go to some charity, if the slightest proof can be brought forward of my connection with any conspiracy or any deal to favor the public service corporations. The money will also be given to charity for any proof that the public corporations contributed a cent either to secure my nomination or election.

"While no direct statements were made at the tent meeting about me personally, at the same time broad intimations were cast out. I am going to state that even intimations of such a character cannot be thrown out with impunity and they will not remain unanswered. I propose to have an expert stenographer follow the Democratic tent during the campaign and for any reflections cast upon me the persons so doing will have to answer to me personally."

Councilman Hitchens pronounced the Democratic charge a "bluff," and added: "The Democrats have raised a cry of conspiracy. Can it be that they have forgotten the adage that 'people who live in glass houses must not throw stones.' The whole talk of conspiracy is raised by the Democrats simply as a spectacular attempt to gain votes."

As chairman of the Republican committee, Hy Davis denied any knowledge of the alleged conspiracy.

MAYOR PRAISES COUNTY TICKET

Says Sarstedt Would Not Work for Public but for Service Corporations.

Tent Meeting at Berea Well Attended in Spite of Bad Weather.

SPECIAL TO THE PLAIN DEALER.

BEREA, O., Oct. 5.—The Democratic campaign of west Cuyahoga county opened here tonight with a tent mass meeting. The tent was pitched just north of the center of the village. Owing to the cold and unfavorable weather the attendance was not as large as was expected, although a goodly number were present. Owing to the absence of Tom L. Johnson and Newton D. Baker the meeting was presided over by Committee Man W. H. Lowney, who introduced the following candidates for county offices, each making short addresses: J. V. McGorray, Charles W. Lapp and Robert C. Wright

and Z. T. Armstrong, assistant county solicitor.

After the meeting had been in session about an hour the "red devil" steamed up bearing Mayor Johnson and City Solicitor Baker. The principal address of the evening was made by Newton D. Baker, who was the only one who touched on the question of the national campaign. Mr. Baker began with the time from Washington and the colonies and with his masterful style led up to the issues of the present campaign. He conveyed the idea that Roosevelt stood for force, while Parker stood for intellect. He spoke shortly on the tariff question and criticized the present administration on the ground that it stood for imperialism and attacked its position on the Philippine question.

He then took up the subject of the county campaign and spoke at length on the corruptness which was manifested at the last Republican convention and closed his address by repeating the assertions he made last night in Cleveland at the opening meeting of the campaign concerning the attitude of Sarstedt toward public service corporations.

Mayor Johnson then made a short address dealing with each of the Democratic candidates for county offices and carefully bringing out the excellent qualities of the candidates who are on the ticket for re-election. He spoke at length concerning the candidates for county auditor and said that Auditor Wright in his opinion had made the best auditor in the state and he believed that Sarstedt if elected would use his ability not for the interest of the people, but in the interest of the public-service corporations, while Wright if re-elected would use his ability to raise the tax valuation of the public service corporations to the level of the tax valuation of private property.

"GIVE ME EVIDENCE," SAYS SOLICITOR BAKER.

WILL MAKE A PROMPT INVESTIGATION OF POLICE COURT CONDITIONS, IF KOHLER WILL FURNISH THE MATERIAL TO WORK ON.

"If Chief Kohler should say that the prosecutors at the police station were being influenced in their duties at all by politics, I should feel that the charges were entirely unfounded," said City Solicitor Baker Thursday morning.

"But if he could bring me any evidence at all that would tend to substantiate charges of that kind, I should endeavor to make a most thorough investigation. So far I have not been consulted either by the chief or the prosecutors in regard to the trouble. I think that in some cases an honest difference of opinion may be a good thing for the department. It will tend to make both the police and the prosecutors more vigorous in their work.

"It has been claimed by Chief Kohler that the prosecutors have refused to file affidavits on evidence placed before them by the police. That is not at all strange. It is the duty of the prosecutors to look at these things from a judicial standpoint. If they are satisfied they can make no case against the alleged offenders they should not file the affidavits. The police may believe they have a case against the parties when the prosecutors know there

is none. It is the duty of the police to arrest all those who they think are violating the law and to report all the circumstances to the prosecutor. He is the one to decide whether a case can be made.

"It has also been claimed by the chief that those who were found guilty have been sentenced and the sentence then suspended. In some cases I think this is the thing to do. For instance, a husband was recently arrested for failure to provide for his family. He was found guilty and fined \$50 and costs and sentenced to 90 days in the workhouse. The sentence was then suspended. It seems to me that was the proper thing to do. Had he been sent to the workhouse under the sentence, he would have been held there for a year. There would have been no support for his wife. It seems to me the thing to do was to so terrorize him that he would support his family, and if he failed to do so to enforce the sentence.

"However, if any evidence is placed before me that will tend to show that the prosecutors are being influenced by politics or from any other source to do anything but their duty, I shall make a careful and complete investigation."

Mayor Johnson is not directly interested in the affair. He saw Chief Kohler yesterday for the first time since the controversy has been the subject of so much public comment, but it formed no part of the conversation between the mayor and the chief. Other matters were discussed.

"Chief Kohler has my approval of every move he has made up to date," said Mr. Johnson, "and on general principles I am back of him in all he does. I am sorry there has been a clash between him and the judges, but unless I am officially called upon I shall take no action."

"I shall probably see Chief Kohler within a few days," said Mr. Baker. "If the trouble is due simply to some slight misunderstanding between the police and the prosecutors, or is due to a clash of opinions, I shall take no further action.

"But if Chief Kohler charges that the police prosecutors have been neglecting their duties or that cases have not been prosecuted because of 'pulls' exerted by certain men I shall certainly make a most thorough investigation. If Chief Kohler has made these charges it seems to me that I am the man to whom he should have come instead of rushing into public print about the matter.

"The situation is a most unfortunate one."

Central police station, stirred by denunciations of the police delivered by Prosecutor McMahon and Judge Fiedler did little toward settling back to a normal calm yesterday. Officers, obeying the orders of their captains to bring in evidence in cases where the prosecutors refused to issue papers or where prisoners were discharged, rushed hither and thither, questioning witnesses and piling heaps of manuscript on the desk of Inspector Rowe for future reference by the chief.

Very little talking was done by the combatants, but there was much raking up of department files and noting of references for use in case of necessity. It is believed that the papers being compiled by the chief will be presented in high quarters, and the prosecutors are making ready.

Chief Kohler's remarks were terse. "Let 'em talk," said he. "They need the advertising, but I am not making any grand stand plays today. I do not regard myself as in their class and shall not argue with them."

NO CHECK UPON ELECTION BOARD.

According to City Solicitor Baker, there is no check upon the expenditures of the Board of Elections. The members can enter into contracts at will and can overstep appropriations.

By provision of the Hypes election law, the board's accounts are not to be audited as the ordinary ac-

counts of the city. All other city expenditures over \$500 must be certified by the auditor. The election board does not need to go through this form, but may contract for any work or supplies, except the printing of ballots, without consulting the auditor. If the bill on its face is correct, the auditor is compelled to draw a voucher for its payment.

Thus it is possible for the board to enter into secret contracts, to make purchases without competitive bidding. The board is considering the purchase of election booths at an expenditure of thousands of dollars. A general appropriation will have to be made by the council, but competitive bidding is not necessary.

PROTESTING TOO MUCH, SAID THE SOLICITOR.

Contrary to expectations, City Solicitor Baker did not dwell upon the charges he had made against Republicans at previous meetings at the Democratic rally in South Brooklyn Thursday evening. He discussed 3-cent fare and taxation. "I said there was a taxation conspiracy, and a storm of denial arises," he said. "The interested Republicans have been protesting too much. I think it is up to the Republicans to clear themselves of suspicion."

FOES STANDING BY THEIR GUNS

Police and Prosecutors Collecting Ammunition to Hurl at One Another.

Mayor Johnson Approves of Every Move Made by Chief Kohler.

Unless the sensational row at police headquarters, in which Chief Kohler, the judges and two of the prosecutors is involved, is officially called to the attention of Mayor Johnson he will take no hand in the matter, but City Solicitor Baker announced yesterday that he would investigate.

HUMANITY OF POLICE AMAZES BAKER.

THEIR EXPERIENCE WITH THE CRIMINAL CLASSES WELL MIGHT HARDEN THEM, SAYS SOLICITOR—"MOST OF MEN ARE HONEST AND SINCERE."

Mayor Tom took a hand in the police court row Thursday evening, before he left for New York.

With the police judges he has nothing to do, but Prosecutor McMahon is merely an assistant of City Solicitor Baker, so Baker and Chief Kohler were called in.

The conference was long, and when it was over the parties to it had little to say. Mayor Tom reiterated his approval of Chief Kohler's policy. The chief said, "It was merely a friendly talk." Solicitor Baker said:

"I am satisfied that my assistants have been conscientious and have not played politics. The chief pressed no general charges against them.

"I have asked the chief to appeal to me when warrants are refused by my assistants. Then, if any mistake is made, we can rectify it."

"I do not care to make any statement relative to the men who are on the police court bench," Baker added. "That would be going outside my department. The fact that there is a dispute between the police and prosecutors is only natural. The police themselves are very anxious to do their duty. Part of that is to lay whatever evidence they may have before the prosecutors. It is the duty of the prosecutors to determine whether there is sufficient ground for action.

"I know that there are a few officers, who are so anxious to secure convictions, in the cases where they make arrests, that they will go to most any length and make most any statement in order to have a verdict of guilty returned against the defendant, but I am amazed at the humanity that still exists in a very large majority of the men on the police force. You would suppose that their daily contact with the criminal classes and their eagerness to stamp out wrongdoing would make them case-hardened. From my own observations, I have found that this is not true. Most of the men on the force are honest and sincere in their work.

They are zealous in the duties of their positions and this perhaps has some effect in the present controversy."

GOT AWAY FROM LOCAL ISSUES

John H. Clarke Discussed National Politics at Democratic Meeting Last Night.

Baker Thinks Republicans Should Look Into Rumors Regarding Convention.

The Democratic activity in the county last night centered at South Brooklyn, where the third mass meeting of the campaign was held under the old campaign tent. The program decided on at the beginning of the speaking campaign, to confine the speakers as much as possible to local affairs, was varied slightly and national issues preponderated in the speeches. Mayor Johnson was called to New York yesterday and John H. Clarke filled his place on the platform. The mayor will probably return in season for the Collinwood meeting tomorrow night.

The South Brooklyn people had made excellent preparations for the meeting and the tent was comfortably filled. Only two of the candidates that are following the wanderings of the tent were present. Charles W. Lapp and Robert C. Wright were there. Both took the people into their confidence and asked for their support at the polls.

Mayor Mark Mathews of South Brooklyn was chairman of the meeting. He introduced Mr. Lapp, who reviewed briefly the record of the Republican administration of the federal government. "After all," he said, "the county ticket is the main question. The question is whether we shall turn out of office the men of undoubted honesty and efficiency. There is not a man here who has not heard murmurs of what went on in the primaries and convention that nominated the men on the Republican ticket. A ticket that was named under the circumstances that are charged to have existed there, is not worthy the consideration of the voters. I would

GONGWER WILL BE PAID.

City Auditor Madigan Friday signed the vouchers for the payment of \$60 to Chas. S. Gongwer, clerk to the building code commission. He has been holding the claims for two weeks awaiting a decision from Solicitor Baker.

Baker held that the resolution passed by the council Monday night was sufficient warrant for the auditor to issue the vouchers.

sacrifice any hope I may have for political preference if by so doing I could elect our county officers."

Mr. Clarke devoted his speech to national issues, and the greater part of it to an attack on the national administration. He referred to the large number of doubtful states as being the reason why the campaign this year is being fought so bitterly. He paid a tribute to the independent voter, and said that the result of the election was in the independent voter's hands. He combated the claim of the Republicans that they have been responsible for the country's prosperity, and gave that credit to the unbounded natural resources of the nation.

Contrary to expectations, Newton D. Baker did not dwell on the charges made by him Tuesday night concerning alleged misuse of money in the Republican county convention, and the charge that a conspiracy had been entered into for the purpose of controlling the taxation machinery of the county. He told a parable and said that the interested Republicans have been protesting too much to be entirely innocent of the intimations against them. "I am not telling you what I will say later in the campaign," he said. "I did say a conspiracy had been entered into to secure control of the taxation machinery, and lo and behold, there is a storm of denial. They say, 'Let Baker produce the individuals, the times and the places where any of these things occurred, and we will start an investigation.' It seems to me it is the proper thing for the Republicans to produce these evidences and disabuse the people of the suspicion that has been aroused over the work of their convention."

Mr. Baker launched into a discussion on the 3-cent fare question, brought on by a call from the rear of the tent. He talked a short while on taxation, and made an appeal to all Democrats to work and fight for honest administration in the county offices.

CLASH OVER VOTING BOOTHS.

Election Board Placed Them Where They Interfered With Paving.

Officials of the public works department have clashed with the board of elections relative to the placing of election booths in certain streets. In two or three cases the booths have been placed on streets where paving operations are under way and are in such a position as to interfere with the improvement.

Solicitor Baker said the election board had power to place the booths where they saw fit, but said that if the situation was explained to the officials of the board he had no doubt that the matter would be adjusted without difficulty.

SUMMON SPECIAL GRAND JURY, SAYS BAKER.

The City Solicitor Writes Red-Hot Letter to the Republican Committee.

HE ASSERTS THAT THE RUMORS OF CORRUPTION AT REPUBLICAN COUNTY CONVENTION DEMAND OFFICIAL ACTION.

An investigation of the charges of corruption at the Republican county convention by a special grand jury has been suggested to Chairman Hy D. Davis, of the Republican county convention, by City Solicitor N. D. Baker.

IN A LETTER TO DAVIS, FRIDAY, BAKER SAYS:

"My attention is called to an interview authorized by



NEWTON D. BAKER.

you in 'The Cleveland Press' of Thursday, Oct. 6, in which you say:

"If City Solicitor Baker will make definite his charges that money was used by corporations to secure the nomination of any Republican county candidate, I, as chairman of the county committee,

will begin an investigation. I want Mr. Baker to name time, place and individuals involved."

"I pass without comment the fact that this statement is an incorrect expression of the so-called charge made by me, but I invite your attention to a fact not unknown to you, that since the meeting of the last Republican county convention, rumors of most scandalous and criminal proceedings with regard to the selection of candidates by that convention have been rife throughout the entire city. The rumors are of criminal transactions involving violations of law so grave that if they are true, the guilty persons would



HY. DAVIS.

be punished by confinement in the penitentiary of the state. Such actions as these ought not to be investigated by the chairman of a partisan committee, but by a body authorized by law to summon witnesses and compel their attendance and testimony, to the end that an exhaustive investigation could result, either in the adequate punishment of the guilty, or a complete restoration of public confidence in the integrity of the convention.

"As the prosecuting attorney of the county is himself a candidate for a judicial office, and was nominated by the convention in question, it would be embarrassing and delicate duty for him, or his assistants who are appointed by him, to make such an inquiry as ought to be made into these charges. I therefore invite you and the members of your committee to join me in a request to the judges in the criminal branch of the common pleas court, to appoint a special prosecutor to investigate, with the aid of the grand jury, the proceedings up to and in the recent Republican county convention.

"If such a request is made and granted, I will be very glad to aid the prosecutor so appointed to the

full extent of my ability, giving him all the information which I either now have or can secure. Should such a grand jury discover that the rumors abroad in our city are without foundation, I would heartily rejoice with you in the re-establishment of public confidence in the organization of your party.

"Very truly yours,
"NEWTON D. BAKER,
"City Solicitor."

It is known that should Davis agree to the proposition which the name of a well-known Republican attorney will be suggested by the Democrats as the special prosecutor. This attorney, it is said, is strongly anti-Johnson and is high in the esteem of the people generally.

Although there was a conference in Mayor Tom's office Thursday afternoon between the city solicitor and the mayor it is said that Baker himself is responsible for this latest phase of the controversy growing out of the charges made by him at the opening tent meeting relative to the use of money in the Republican county convention and the alleged nomination of a ticket favored by the public service corporations.

One of the early callers at the city solicitor's office Friday was Frank Stevens, secretary of the Municipal association. It was said that the Muny had nothing to do with this latest move and that it had not been consulted in relation to it.

WANT EXPERT OPINION.

Board of Examiners Will Have School Code Interpreted Before Acting.

"We will not take hasty action or snap judgment on any disputed point in the new school code," said Clerk D. C. Meck of the board of examiners yesterday in reference to the provisions of the new code regarding the examining of teachers and the granting of school certificates.

State School Commissioner Jones will be asked by the board of examiners for an opinion on every detail of the code which is not explicit and clearly interpreted.

Since the points in the new code have been brought up the board of examiners has been busy answering questions in regard to the examinations. Some of the teachers held different interpretations on points of the code and many complaints have been filed with the board of examiners in regard to provisions of the new code affecting the teachers.

City Solicitor Baker, in an opinion to School Director Cadwallader yesterday afternoon, held that all school teachers examined by the board of examiners must pay a fee of 50 cents for such examination. Baker also held that the board of education could, by resolution, authorize the employment of teachers of oratory and fix the branches of study in which proficiency shall be required.

Under the old law the employment of teachers of elocution and oratory was classed as special and they were required to pass only five examinations. The new law makes no specific reference to them and it was thought that they would be compelled to pass the regular examination, but Mr. Baker's opinion is to the effect that this is not necessary.

ing case, was guilty as charged having conducted that case before him.

The third specification, the one corresponding to that on which Judge Dellenbaugh was found guilty the other day, which charges wrongfully getting the Manning divorce decree journalized, was next argued by White. He said that Judge Dellenbaugh, already convicted of this matter, was really employed by Burke. He held that Burke was as guilty in that connection as though he had put a weapon in Dellenbaugh's hand and told him to commit a murder.

"It was one combine, one partnership, all the members of which were equally guilty of all these infamous things charged and proved," said Mr. White in closing.

Mr. Foran announced that Mr. Burke had been kept from court by the illness of his child, which accounted for his late arrival. He also called Burke for a moment to ask him when it was he first heard of the judges' meeting, and Burke said that it was 10 days or two weeks before the November election of 1896.

There was a noticeable wave of interest as Newton D. Baker, the young lawyer from West Virginia, rose to make the opening argument for the defense instead of Mr. Foran. In a few moments the court room was crowded and Mr. Baker made a distinct hit.

He spoke in a remarkably clear and pleasing voice and remarkably well. His manner is earnest and his intonation a trifle ministerial.

He opened his address by referring to the importance of a pure and respected judiciary.

"The great republic of the eastern world, perhaps the only hope of freedom from monarchical despotism there is for the people of France, is even today tottering on the verge of disaster because its highest court listened to the voice of the rabble at its doors instead of listening to the dictates of absolute and fearless justice," he said in support of his argument for the unbiased consideration of Burke's position.

He said Burke was the only man in the case whose conduct had been from the first open and frank. He argued the third specification first, saying that Burke had simply tried to remedy his neglect to get the decree journalized at the proper time by getting the journal entry O. K. ed and journalized afterward.

The whole common pleas bench was in doubt and is in doubt now whether Judge Dellenbaugh had a right to O. K. a decree after he left the bench or not," he said, "and they are also in doubt whether, under the circumstances, another judge might also have O. K. ed it."

His criticism of Judge Dellenbaugh was scathingly severe and he treated the judge as the arch conspirator, with

69c, 75c, 85c,

Crow &

the "sinuous, adroit mind," with Burke as his easy tool.

"Judge Dellenbaugh had his fingers on all the keys and he played a tuneful strain for his own ear," he said.

Mr. Baker quoted seriatim Shakespeare, Milton, Kipling and "Chimmie Fadden" in his evidence and held his crowd in true spellbinder style.

When he referred to "Judge Dissette's somewhat variegated memory" there was an irresistible ripple of laughter.

He laid stress on the fact that Miss Kent, the most important witness called to clear Dellenbaugh, was not called to convict Burke. There had been but little testimony against Burke.

Mr. Baker raised another laugh by saying that he did not know Mr. White's qualifications to judge the value of the wounded feelings of a woman, but that "the love of a bankrupt tailor might be as dear to the heart of his wife as that of any other man to any other wife."

He argued only the second and third specifications and asked Burke's acquittal on both these, as there was not evidence sufficient for proof.

Mr. Foran followed. He read his argument from a thick typewritten manuscript. He said that he had taken up Burke's case only on condition that they both agreed that there should be no attempt to bring out anything but the truth.

"The fact," he said, "that five of the most distinguished members of the bar have given weeks and weeks of their valuable time to the ends of justice in connection with this case, without hope of reward, convinces me that there is no other portion of the community

in which holds as high ideals of the duties of citizenship as those held by the legal profession."

He went on to tell what conviction would mean to Burke and how his prospects would be blasted by conviction. His argument was calm and dignified and the rest of it dealt mainly with the legal aspects of the case.

He defended the action of Burke and the others in their efforts to secure for Mrs. Manning compensation for the loss of her husband and said that the demands made on the MYSTERIOUS WOMAN were not extortionate.

"Who can measure the value of a woman's love?" he asked, "I can not, perhaps Mr. White can."

He dwelt on the extent of Dellenbaugh's influence over Burke and said that any member of the bar in Cuyahoga county would have done just as Burke had under similar circumstances.

Mr. Foran was not quite through his argument when the court adjourned till 1:30 for luncheon.

MAY BE FREED.

ANOTHER CHANCE FOR DREYFUS OF DEVIL'S ISLAND.

World Cablegram.

PARIS, Feb. 23.—The Soir announces that M. Manu, the procureur general, will submit his report in the Dreyfus affair next week. The report will ask the court of cassation, it is said, to annul the conviction without ordering retrial.

If this is correct it shows that the evidence before the court not only proves Dreyfus innocent, but that the case for which he was punished never rested, as the French law allows the court of cassation to quash a sentence without retrial only when there is proof that the offense alleged was never perpetrated.

MINES FLOODED.

Special to the World.

SANDWOOD, O., Feb. 23.—The Sandwood and Stanwood coal mines are idle, owing to inability to keep the water out, and it is feared the former will have to be abandoned.

BEST SUGAR CURED HAMS 8c.

The best sugar cured ham in the United States is made in Cleveland. It is called the "Rose" ham, and is sold at 8 cents per pound in all the stores of the Cleveland provision company.

Coe's Exzema Cure cures—price \$1.

TO MISS SMITH

25,000 BREACH OF PROMISE SUIT COMES TO A SUDDEN CLOSE.

RED-HOT SENSATION IN WHICH FORMER OHIO MAN FIGURES.

World Telegram.

KANSAS CITY, Mo., Feb. 23.—There was a sudden ending this morning in the sensational breach of promise suit, in which Martha Smith is attempting to collect \$25,000 from Dr. Howard Lowry, a dentist. The case had been adjourned for several days and when court was called this morning the attorneys for Lowry announced that their client would confess judgment in favor of Miss Smith for the full amount asked.

Lowry created a sensation during the trial by securing a license to marry a prominent young society woman of this city, to whom he had been engaged. Her parents, however, refused to allow her to carry out the plan.

Lowry is a native of Ohio, having lived at Senecaville before coming here. His former wife, who died some time ago, was also a resident of that town.

BEEF IN CANS.

THAT IS THE ARTICLE UPON WHICH THE WARM TESTIMONY CENTERS.

World Telegram.

WASHINGTON, Feb. 23.—The court of inquiry continues to adduce the same character of testimony as that

of the first days of its session. No evidence has thus far been brought forward that refrigerated beef for the soldiers had been chemically treated, while the canned roast beef continues to receive a black eye at every turn. Canned roast beef seems to be only a name, as this article is all boiled meat, put up with a liberal admixture of fats and little or no salt.

The testimony concerning the latter article begins to look bad for the contractors, who are under bond to replace it with wholesome food in case it is found to be deficient.

LONDON.—Influenza epidemic here,

as it acts on the kidneys, irritates the bowels without irritating or weakening them, and it does not gripe the nauseate. In order to get its beneficial effects, please remember the name of the Company—

CALIFORNIA FIG SYRUP CO.

SAN FRANCISCO, Cal.
LOUISVILLE, Ky. NEW YORK, N. Y.

WHOLE CITY SHAKEN AS BY AN EARTHQUAKE

A TERRIFIC GAS EXPLOSION IN HARTFORD CITY, IA.

FOUR KNOWN TO BE DEAD—THREE BUILDINGS DESTROYED BY FIRE.

World Telegram.

HARTFORD CITY, Ia., Feb. 23.—At least four people were killed this morning by an explosion of gas. About 1 o'clock a night policeman discovered a blaze in the rear of the Dick building. A gas explosion followed a minute later. Every house in the city was shaken as if by an earthquake. Windows in the court house and a square away, were smashed.

Instantly a flame shot forth from the Dick, the Willman and the Mason buildings. The Hotel Ingram, adjoining, was filled with guests and they fled in their night clothes.

In the Dick and Willman buildings were many roomers. The explosion tore the upper floor loose in these buildings and it fell to the lower floor. Four charred bodies were taken from underneath the debris, and a search is being made for another.

The dead are: Lewis La Forge, a soldier; Mrs. Lewis La Forge, James Bone, a carpenter; Orris Lewis, a glass worker.

The injured are: John Ballard and Nathaniel Rinker.

The escape of some of the roomers was almost miraculous. Rinker and Ballard were lifted up out of their beds and fell on the floor in the Powell grocery store beneath. They groped about until they found their way to the street. Rinker passed a man who was fastened beneath the debris. He begged piteously for Rinker to save him, but it was impossible. A few minutes afterward the fire had spread to all the buildings and the cries for help were stilled. As one of the rooms was used by gamblers, it is suspected that the explosion was caused by dynamite. The authorities, however, are not disposed to credit this story.

STRUCK BY A C. & P. ENGINE

Mrs. William Obeispatte, 45 years old living at 416 Belden street, was run down and seriously injured by an engine while crossing the C. & P. track at Perkins avenue Thursday morning.

The woman was on her way downtown and had just stepped upon the railroad track when a switch engine appeared not 50 feet from her, and before she could get out of the way she was struck and thrown a distance of 25 feet.

She was badly hurt about the head besides receiving internal injuries. A Gan & Sharer's ambulance was called and the injured woman taken to home.

SALVATION ARMY SOLDIERS WEDDING

A Salvation army wedding was Wednesday evening at the barracks Hill street, when Miss Alice Pugh and Mr. William Howe, both private corps No. 1, were united in marriage. The ceremony was performed by Gen. Addison, assisted by Maj. Dr. of New York city. The barracks were beautifully decorated with palms and ferns.

ELECTION CAUSED MANY "DRUNK"

AT LEAST THAT WAS WHAT THE TOLD THE JUDGE.

There were many drunks in police court Thursday morning and nearly all of them said they had been out electioneering and gave that as an excuse for being intoxicated. Nearly all got a dollar and costs, just the same.

nine days. Henry Barnet, one of the poisoner's victims, visited this woman daily. The bill for room rent was sent to Barnet and paid by him.

Mrs. Martin will probably be called to the stand to tell who this "Blanche" was.

Cornish took the stand today and said that on Jan. 1 there were 50 men in the Knickerbocker club who declared openly that Molineaux had sent the poison.

"I think that Molineaux has always shown enmity to me and he is doing so now," continued Cornish. "He has lied about me. I have heard all sorts of stories about him. I heard that he had a certain kind of library and a great many remarkable pictures, of which he was very proud. I heard from many men in the club that Miss Chesebrough was intimate with Barnet. Molineaux circulated stories of degeneracy through Malcolm Ford about men in the club. All of these things worked in my mind and made me think that this man had sent me the poison and had also sent the stuff to Barnet."

SYMPATHY.

LAWYER LUSK HAS IT---THE CASE DRAWING TO A CLOSE.

Special to the World.

NEW PHILADELPHIA, O., Feb. 23.—The Lawyer Lusk burglary trial is not ended and the interest manifested to greater than at any time since it started. No case in recent years has attracted the crowd that is in the county seat today.

The forenoon session was entirely occupied by Henry Bowers, the most eloquent lawyer at the local bar, in his plea for Lusk to the jury, and this afternoon James Patrick, for the state, closes the argument.

Sympathy for Lusk is gaining ground and an acquittal is looked for.

DENTIST LOWRY
CONFESSES JUDGMENT

THE BLANCHE WHO ROOMED AT MRS. MARTIN'S

MRS. BLANCHE MOLINEAUX
DECLARES IT WAS NOT
SHE.

CORNISH AGAIN TAKES THE STAND
AND TELLS WHY HE SUSPECTED
MOLINEAUX.

World Telegram.

NEW YORK, Feb. 23.—The inquest into the death of Mrs. Kate J. Adams was resumed today. Though nothing tangible has apparently developed after two weeks' work, some of the blind leads may turn out all right and help solve the mystery. One of these is certain questions asked Mrs. Blanche Molineaux the other day. Mr. Osborne asked if she ever lived in Twenty-fifth street with a Mrs. Martin. Mrs. Molineaux's reply was that she never did.

It has now been learned that the Mrs. Martin referred to was Mrs. Florine La Rechele Martin, who recently had trouble with Broker McCobb. A woman whom she knew only as "Blanche" rented a room from her for a

SYRUP OF FIGS



NEVER IMITATED IN QUALITY.

THE EXCELLENCE OF SYRUP OF FIGS

is due not only to the originality and simplicity of the combination, but also to the care and skill with which it is manufactured by scientific processes known to the CALIFORNIA FIG SYRUP Co. only, and we wish to impress upon all the importance of purchasing the true and original remedy. As the genuine Syrup of Figs is manufactured by the CALIFORNIA FIG SYRUP Co. only, a knowledge of that fact will assist one in avoiding the worthless imitations manufactured by other parties. The high standing of the CALIFORNIA FIG SYRUP Co. with the medical profession, and the satisfaction which the genuine Syrup of Figs has given to millions of families, make the name of the Company a guarantee of the excellence of its remedy. It is far in advance of all other laxatives

...US WOMAN for her intimacy with Mr. Manning, quoting the evidence given by Burke that "Dellenbaugh told me to go down and strike her for \$20,000."

"Your honors may not be familiar with the use of the word 'strike' in this way among a certain class of people," said Mr. White, "but it has been much used during the political campaign that has been going on in this city lately and its meaning and use in this case is significant. It was decided to 'strike' this woman for all that she was worth. Doesn't this constitute blackmail?"

Mr. White went on to read a large number of decisions in blackmail cases, all designed to show that the transaction which resulted in Burke's getting the \$10,000 from the MYSTERIOUS WOMAN really amounted to blackmail. The decisions were from courts scattered from New York to California.

He read one case in which a New York farmer blackmailed a neighbor for \$10 for insulting his wife.

"You will see," said Mr. White, "that in this case the wife was less highly valued than the profligate, roue' husband of Mrs. Manning, as he has been called by Dellenbaugh and Burke. He was valued at \$20,000, it seems."

The decisions Mr. White read all showed that the fact that a person blackmailed was really guilty of what was charged did not lessen the criminal character of the offense of the blackmailer. Mr. White's argument was much like that made by him in the Dellenbaugh prosecution in support of the first charge and specification.

In his argument on the second specification Mr. White threw a haughty bouquet to the newspaper reporter. His argument was that the fact that characterized the Manning divorce proceedings was evidence of the consciousness of guilt.

"There was nothing about this divorce case against a bankrupt tailor to attract the attention of even the energetic and able newsgatherers of the local press and lead them to mention of it. There was some other reason for secrecy. It was the consciousness of guilt in connection with the other portions of the case. The case was rotten."

Mr. White argued that Burke, knowing that Judge Dellenbaugh could not properly sit as judge in the M

ARGUMENTS

FOR

BURKE

ATTY. BAKER FROM WEST VIRGINIA MAKES A HIT IN CIRCUIT COURT.

HE CRITICISES JUDGE DELLENBAUGH SEVERELY—FORAN ALSO SPEAKS.

"Now you'll have an hour on a side," said Judge Caldwell as the starting signal for the closing day of the Burke trial in the circuit court Thursday morning.

The judge referred to the time the court had decided to allow the lawyers for their closing arguments against and for Burke.

There were just 11 spectators in the court room. Not even Vernon H. Burke was enough interested in his own trial to be present.

The arguments were to have begun at 9 a. m., but Mr. Foran and his associate in the defense, Mr. Baker, were a quarter of an hour late in arriving.

Prosecutor White opened. He told over again the story of the getting of the \$10,000 from the MYSTERIOUS WOMAN.

Our Great R

The Cre

we announced a day or two ago s
continue all the week. W

CRE

Colored

In about six weeks we tak

LOT 1—COLORED DRESS
sold for 25c, going at...

LOT 2—COLORED DRESS
sold for 50c, going at...

Special value
COLORED

Let in the Light!

The controversy between City Solicitor Baker and Hy Davis, chairman of the county Republican committee, as to whether or not corrupt meth-

ods were employed in the nomination of certain candidates on the Republican county ticket, indicating that interested individuals and corporations are attempting to get possession of the taxation machinery of the county, has gone too far to be treated as a political matter.

It has attained the dignity of a public matter, in which every taxpayer in the county, **WHETHER HE BE REPUBLICAN OR DEMOCRAT, IS VITALLY INTERESTED.**

That the rumors which Mr. Baker has seen fit to call attention to so emphatically have been current on the streets ever since the convention which nominated the Republican ticket, every man with ears to hear and eyes to see, knows.

The direct charge of the venal use of money at this convention was made through the columns of this paper in an interview with Chas. F. Leach, a prominent Republican, immediately after the convention.

It has been common talk ever since.

There has been enough of this talk and it has been specific enough to warrant the prosecuting attorney of the county in getting at the truth or falsity of it through the grand jury.

Perhaps the fact that Mr. Keeler, prosecuting attorney, is himself a candidate for office (a common pleas judgeship) is his excuse for not having undertaken the task.

Perhaps, also, it is just as well that he has this excuse, as the record of the prosecutor's office during his incumbency is not such as to warrant the belief that there would have been much light thrown on the situation by any investigation he might have made.

As the matter now stands, the voters of this county must vote the county ticket on election day, ignorant as to whether the candidates for whom they vote are fit to act as public servants.

This is not fair to the candidates; **IT CERTAINLY IS NOT FAIR TO THE VOTERS.**

If there is **NOTHING** in these charges and rumors, it is due the candidates nominated at that convention that they be given clean bills of health.

If there **IS** foundation for the charges and rumors and it is proven, **THERE ISN'T MONEY ENOUGH OR INFLUENCE ENOUGH IN THIS COUNTY TO ELECT A SINGLE TAINTED MAN TO OFFICE.**

The voters of Cuyahoga-co have risen above mere party too many times in the past to make it possible for the spawn of either political or business blacklegs to be elected to office, once their paternity is proven.

The judges who preside over the criminal courts of this county have the authority, and, in view of all the circumstances, **IT PLAINLY IS THEIR DUTY,** to summon a special grand jury and employ special counsel to present this matter to them.

LET IN THE LIGHT!

LET KEELER TAKE UP THE CHARGES

City Solicitor Baker Willing to Have Him Make Investigation.

Davis Again Says "Bluff" to Rumors of Republican Irregularity.

A strong effort is to be made this week to have the courts of Cuyahoga county take up the charges of conspiracy among a few Republicans to control the taxation machinery of the county and of the misuse of money at the Republican convention made by City Solicitor Newton D. Baker.

Yesterday in reply to an answer made by Chairman Davis of the Republican committee to Mr. Baker the city solicitor says if the courts find it inexpedient to arrange for a special prosecutor to take up an investigation of the charges he will be perfectly willing that the matter be taken up by Prosecutor Keeler, himself a candidate on the Republican ticket, and that he will assist him in any way possible.

Chairman Davis had some rather caustic comment yesterday afternoon on the reply of Mr. Baker, in which he states his willingness to have Prosecutor Keeler conduct the investigation into the charges. He said:

"Mr. Baker first asked for a special prosecutor and now he announces his willingness to have Prosecutor Keeler to take up the matter. The facts in the case are that the whole thing is a bluff. Administration Democrats have been all over the city in a frantic effort to obtain affidavits or evidence of any character to substantiate the charges. In my opinion they have not a single affidavit upon which to base the charge of conspiracy or of votes purchased in the convention.

"But, following the custom of the past two or three campaigns, the charges were made anyhow in the hope that the Republicans would remain silent and some little political benefit might possibly accrue to the Democratic cause in the local contest. But it has not worked out that way and now to use a slang expression, my friends, Mr. Baker and the cause he represents are 'up against it.' Serious charges that are in no way susceptible of proof have been made. If no proof of these charges is adduced they can only be characterized by the title of 'bluff.'

"I fail to see just where any bluff comes in," said Mr. Baker last night. "However, I do not desire this matter to smack any more of a controversy between Mr. Davis and myself. I suggested my willingness to assist Prosecutor Keeler in the proposed investigation simply in the contingency that the courts did not see the way clear to the appointment of a special prosecutor. But I shall decline to enter into any further newspaper controversy for the reason that the attention of the courts have been called to these charges of a most serious nature.

"I have great hope that the courts will take the matter up. It will then be a matter for judicial decision. If, as I hope, the courts will take the matter up any further discussion of a political nature can only embarrass a judicial investigation."

In the absence of the mayor, Newton D. Baker was the principal speaker. Mr. Baker referred to his charges of Republican conspiracy to gain control of the taxation machinery of the county, and told of his letter to Chairman Hy Davis of the Republican committee. Mr. Baker will not receive the reply made by Davis until this morning and he would not anticipate any answer last night.

In addition to Mr. Baker, Charles W. Lapp, R. C. Wright, J. V. McGorray and other candidates spoke briefly. The speakers followed the same trend taken at the opening meeting on the West Side. Tonight the tent will be pitched in Collinwood, and it is expected that the mayor will return from the east in time to attend the meeting.

ROUGH RIDER WAS BUSY.

Hero of San Juan Hill Had Many Questions to Ask Democratic Speakers.

Continued interruptions for a man who said he was a member of the famous original rough riders and fought in the battle of San Juan hill with President Roosevelt, was a feature of the Democratic tent meeting last night. The tent was pitched way out Kinsman street in Newburg city, and the meeting was rather slimly attended.

CALLS FOR PROOF OF A CONSPIRACY

H. D. Davis Tells N. D. Baker
It is Up to Him to Give
Facts.

The City Solicitor Wants the
Courts to Make an In-
vestigation.

Local political interest has focused upon expected developments in the controversy arising out of the charge made by Newton D. Baker that a conspiracy exists among a few Republicans to control the taxation machinery in this county and that votes were purchased at the recent Republican convention.

The developments yesterday were two open letters, one written by Mr. Baker to Hy Davis, chairman of the Republican committee, and the other a reply from Mr. Davis to Mr. Baker.

On the one hand, Baker suggests a special grand jury investigation and announces his willingness to co-operate in such an investigation. In reply Chairman Davis says the charges made by Mr. Baker are vague and he calls upon him to make good his charges in detail.

Politicians are almost a unit in the belief that something far more significant than formal letter writing will come out of the controversy at the latest before the middle of next week. In other words, the politicians say that the matter has now gone so far that there will have to be a show down.

It has been suggested to the Republican committee that the charges made by Mr. Baker be taken up at the Central armory meeting tonight. Whether local issues will be brought into the meeting tonight is a question, as the Republicans had planned to deal almost entirely, if not altogether, upon national issues. It may yet be decided, however, to add a local speaker to the list for tonight's meeting for the express purpose of taking up the charges made from the Democratic tent.

Mr. Baker's letter concerning the conspiracy charges and the reply of Chairman Davis follow:

"My attention is called to an interview authorized by you in which you say:

"If City Solicitor Baker will make definite his charges that money was used by corporations to secure the nomination of any Republican county candidate, I, as chairman of the county committee, will begin an investigation. I want Mr. Baker to name time, place and individuals involved."

"I pass without comment the fact that this statement is an incorrect expression of the so-called charge made by me, but I invite your attention to a fact not unknown to you, that since the meeting of the last Republican county convention, rumors of most scandalous and criminal proceedings with regard to selection of candidates by that convention have been rife throughout the entire city. The rumors are of criminal transactions involving violations of law so grave that if they are true, the guilty persons would be punished by confinement in the penitentiary of the state. Such actions as these ought not to be investigated by the chairman of a partisan committee, but by a body authorized by law to summon

witnesses and compel their attendance and testimony, to the end that an exhaustive investigation could result, either in the adequate punishment of the guilty, or a complete restoration of public confidence in the integrity of the convention.

"As the prosecuting attorney of the county is himself a candidate for a judicial office, and was nominated by the convention in question, it would be embarrassing and delicate duty for him, or his assistants who are appointed by him, to make such an inquiry as ought to be made into these charges. I therefore invite you and the members of your committee to join me in a request to the judges in the criminal branch of the common pleas court, to appoint a special prosecutor to investigate, with the aid of the grand jury, the proceedings up to and in the recent Republican county convention.

"If such a request is made and granted, I will be very glad to aid the prosecutor so appointed to the full extent of my ability, giving him all the information which I either now have or can secure. Should such a grand jury discover that the rumors abroad in our city are without foundation, I would heartily rejoice with you in the re-establishment of public confidence in the organization of your party."

Late yesterday Chairman Davis sent the following letter to Mr. Baker:

"I am grateful to you for your very kind offer, but I cannot let you get away from your public utterance so easily.

"I note in your letter that you say that 'I pass without comment the fact that this statement is an incorrect expression of the so-called charge made by me.' Such a statement is just as vague as the public utterance attributed to you and made in the tent meeting. I was informed that you made the following utterance, 'That money was used by corporations to secure the nominations of Republican county candidates at the late convention.' If you made this statement, and I take it that you did so long as you do not deny it, I insist that you name the time, place and individuals involved.

"You are aware, Mr. Baker, that if you made the statement as alleged, that it is a very grave one, and surely a man of your standing cannot afford to allow such a public statement to remain unanswered.

"The public demand at your hand that you tell what corporation, if any, was guilty of such a crime. So far you have dealt only in generalities. I have no assurance now that you have any information in your possession, and I take it that you have none or you would publicly state the time, place and individuals involved. It is up to you to make good."

ON NATIONAL ISSUES.

Democratic Mass Meeting at Collinwood Did Not Take up Local Affairs—Mayor Absent.

Both Mayor Johnson and John H. Clarke were absent from the Democratic mass meeting at Collinwood last night. The mayor was called out of town and Mr. Clarke's throat trouble prevented him from attending.

The tent was pitched at the corner of Otto and Crosby streets and the meeting was intended to be a joint one of Collinwood, Euclid, Mayfield and East Cleveland townships. The small crowd, however, was composed almost entirely of Collinwood men. William May of Collinwood was chairman of the meeting.

Contrary to expectations Newton D. Baker, city solicitor, said nothing about his charges of a scheme of the Republicans to gain control of the taxation machinery of the county. He confined his talk chiefly to national issues and the inequalities of tax valuations in the city and state. L. A. Russell appeared in the tent during Mr. Baker's speech and mounted the rostrum. He made an earnest plea for the re-election of Auditor Wright, John Vevera and the election of J. V. McGorray. The other speakers were Charles W. Lapp, Robert C. Wright, John Vevera, J. V. McGorray and Dr. Thomas A. Burke.

MAYOR WOULD SUPPORT BEHM

Said His Fight Against Councilman From Nineteenth Ward is Over.

Good Crowd at Tent Meeting—
Johnson, Baker and Witt
Speakers.

Mayor Johnson's campaign tent was filled with voters from the nineteenth ward when it was pitched at the corner of Woodland avenue and Tennyson street last night.

The followers of John Behm, the councilman from that ward, called upon the mayor to express himself on the Behm question. The mayor had opposed Behm for renomination, and one questioner interpolated, "And you're bucking Behm still?"

"No, I am not," returned the mayor. "I opposed Behm openly at the caucus, but now that the ticket is settled I am for him, and if I lived in this ward I would vote for him for the council." The crowd cheered and was satisfied.

The mayor discussed the situation in the county in a general manner. He dwelt particularly on the question of tax valuations and repeated his assertions that the Democratic party has increased the tax valuation many millions for the county, though it is not yet in the deal form. Of 3-cent fare the mayor wished to state emphatically that the matter is not a bluff. Said he, "It has been said that 3-cent fare is a bluff. If that is so, why don't these other corporations call it, by giving us a chance to show our hand and build a street car line? But they won't do it. They are fighting us at every turn and by their very actions show that they do not think it a bluff."

The mayor also went deeply into the street car situation and concluded by advancing his idea of municipal ownership of street railways.

City Solicitor Baker devoted his attention particularly to the state legislature and its results. He spoke of the corruption said to have been practiced in the Miami & Erie canal deal and of the school code. He went into national politics and denounced the Republican form of protection.

CAN'T PAY EXPERTS.

Important Ruling by City Solicitor Baker as to Witnesses in Police Court Cases.

"No expert witness fees can be paid witnesses in police court in city cases and can be paid in state cases only upon authorization by the county commissioners," decided City Solicitor Baker in an opinion yesterday.

Dr. Maurice Budwig had asked a fee of \$5 for expert testimony in a city case in police court. City Auditor Madigan refused payment of the voucher and asked Baker for an opinion. The latter decided that the city could not pay it. He said witness fees in such cases must be limited to 50 cents.

CAMPAIGN ON IN FULL BLAST

**Democratic and Republican
Orators Will Storm City
This Week.**

**Chief Interest Appears to be
in the County
Contests.**

The Democratic and Republican local campaigns will open full blast this week to be carried on until the day of election. From the townships the Democrats will transfer the scene of their activities to the city. A schedule of tent meetings have been arranged to cover every night in the week commencing at the corner of East Madison avenue and St. Clair street tonight. Mayor Johnson is expected to return from the east at 7:15 this morning ready to get into the campaign with all his old time vigor.

The Democrats have determined to feature the local issues and the speakers will continue as during last week making only incidental mention of the national questions involved in the campaign. The sentiment of the Democratic leaders in this regard was expressed last night by Charles P. Salen, who said: "The past week has developed if the fact was necessary to be demonstrated that there is very little real deep interest in the presidential contest. The fact is that the great majority of the voters of Cuyahoga county are chiefly interested in the local issues, a fact that will be demonstrated more clearly as the campaign progresses. To my mind the indications point to a sweeping Democratic victory in this county this fall in spite of the act of the legislature in abolishing spring elections in an attempt to cloud local issues with national questions, an act inspired and directed by the Republican party leaders and dictators."

Although the Democrats are to feature local issues in all their meetings, it is not probable that any further reference will be made for the time being to the charges made at the opening tent meeting by Newton D. Baker to the effect that a conspiracy existed among a few Republicans to gain control of the taxation machinery of the county for purposes of manipulation. Allusions to the charges are to be omitted because of an effort to get the courts to take the matter up at once and start a judicial investigation of the charges. It is said in a quiet way certain matters will be presented to the proper authorities that will perforce lead to an investigation. Because of this prospect it is said there will be no more public and political discussion of the charges for the present.

The one big Democratic meeting of the campaign at which national questions will predominate will be the Central armory meeting a week from Tuesday night at which Bourke Cockran of New York will be the attraction. According to present plans Mayor Johnson will preside but there will be no other speakers. No red fire will be burned on the night of the meeting but extra efforts are to be put forth to get out every Democratic club in the city and county. The list of Demo-

cratic tent meetings for the week has been arranged as follows:

Monday evening—St. Clair street and East Madison avenue. Joint meetings of Wards 11, 22, 23, 24. Speakers: Tom L. Johnson, Harris R. Cooley, J. V. McGorray, John evera and R. C. Wright. Stereopticon views.

Tuesday evening—South Woodland and Tennyson avenues. Joint meeting of wards 19 and 20. Speakers: Tom L. Johnson, Newton D. Baker, W. J. Springborn and Democratic nominees. Stereopticon views and pole raising.

Wednesday evening—Broadway and Ledyard street. Joint meeting of wards 16, 17 and 18. Speakers: Tom L. Johnson, Newton D. Baker, W. J. Springborn, E. B. Smialek (Polish), Joseph Sledz and Democratic candidates. Stereopticon views.

Thursday evening—Woodland avenue and Linden street. Joint meeting of wards 12, 13, 14 and 15. Speakers: Tom L. Johnson, Newton D. Baker, Harris R. Cooley, Dr. Aaron Hahn, J. E. Wertman and Democratic candidates. Stereopticon views.

Friday evening—Pearl and Washington streets. Joint meeting of wards 3 and 8. Speakers: Tom L. Johnson, Newton D. Baker, S. V. McMahon, J. V. McGorray and Charles W. Lapp. Stereopticon views.

Saturday evening—Lincoln park and Jennings avenue. Joint meetings of wards 5, 6 and 7. Speakers: Tom L. Johnson, Newton D. Baker, Charles W. Lapp and J. V. McGorray. Stereopticon views.

BAKER WOULD LET KEELER ACT.

SOLICITOR IS WILLING PROSECUTOR SHOULD ACT IN ALLEGATIONS AS TO BUYING OF NOMINATIONS.

"I do not want this thing to resolve itself into a mere word match between Mr. Davis and myself," said City Solicitor Baker Saturday morning, after reading Davis' answer to his letter of Friday, in which he suggested that the matter be referred to the grand jury and that a special prosecutor be appointed to investigate the charge that money had been used corruptly at the Republican county convention, and that a ticket favored by the public service corporations had been nominated.

"It is a serious matter. I am satisfied that the courts have the power to appoint a special prosecutor, and I have not suggested a special grand jury, one being in session now. My suggestion as to a special prosecutor was made in the hope that it would relieve Mr. Keeler of embarrassment. If the judges decide that they have no authority to appoint a special prosecutor, and Mr. Keeler or any assistant that he may designate is willing to take up the matter with the grand jury, I would be very willing to assist him."

The city solicitor believes that under Section 7196 of the revised statutes the court could appoint an assistant to appear before the grand jury. The section reads: "The common pleas court or circuit court may, whenever it is of the opinion that the public interest requires it, appoint an attorney to assist the prosecuting attorney in the trial of any case pending in such court and the county commissioners shall pay such compensation for his services as the court approves and to them seems just and proper."

"A broad interpretation of the section," said the solicitor Saturday, "would give the court the right to appoint an assistant to appear before the grand jury. I do not believe there is any question that the court has the power."

Baker found 14 cases in which opinions had been given by the courts sustaining his view.

SOLICITOR HOLDS THAT BILLS SHOULD BE PAID

City Solicitor Baker on Friday rendered his decision in regard to the question that was raised by City Auditor Madigan in regard to the salary of Charles S. Gongwer, who apparently was holding two positions at the same time and drawing pay from the city in two capacities.

The solicitor held that the bills for pay should be paid and the auditor immediately drew his voucher for the amounts, which were small.

The matter was referred to City Solicitor Baker and he upheld the auditor. When Schreiner was informed of the decision he was surprised owing to the fact that in State cases experts receive an additional compensation, as there is no other way to compel them to testify.

ROAD HAS ITS OWN WAY.

City Cannot Regulate Work at Lake Shore Street Crossings.

City Solicitor Baker has informed the board of public service that the city has practically no rights and cannot regulate any work done by the Lake Shore railroad on most of the street crossings in the East End. The question was raised in a peculiar manner a few days ago.

The railroad is about to lay an additional track along its East End right of way and notified the city of this fact, stating that it had prior rights in the matter, and requesting that the police be notified so that there would be no interference. President Springborn was somewhat surprised at the tone of the request and referred it to Mr. Baker.

In reply the solicitor says that the railroad company secured its right of way prior to the opening of the streets as public highways and that the work proposed to be done by the company is within its legal right. The board of public service will therefore give the railroad company permits without further ado.

This same condition, however, exists at nearly all the crossings in the east end, and city officials fear that considerable trouble may result in the future.

WILL ASK COURT TO INVESTIGATE.

BAKER SAYS HE WILL WRITE TO PRESIDING JUDGE IN REFERENCE TO CHARGES THAT MONEY WAS USED AT REPUBLICAN CONVENTION.

City Solicitor Baker said Wednesday he intended to ask Judge Babcock, presiding on the common pleas bench, to start an investigation of the charge that money was used in the Republican county convention. Baker will write a letter to Babcock.

Judge Babcock will be requested to confer with the other judges, and either to appoint a special prosecutor to conduct an investigation before the grand jury or to adopt any other steps thought proper to learn the truth of these charges. This letter will probably be sent Wednesday.

Solicitor Baker has been given names of persons alleged to have seen money passed on the convention floor. These names and all other evidence in his possession will be laid before the judges for investigation.

JUDGES ASKED TO ACT.

BAKER'S LETTER IN THE MATTER OF BRIBERY CHARGES RECEIVED AT THE COURT HOUSE.

CITY SOLICITOR WANTS A SPECIAL PROSECUTOR AND VOLUNTEERS TO TESTIFY

Judges Beacom and Tilden, Thursday, received City Solicitor Baker's letter asking for an investigation into the charges that money was used in the Republican county convention.

Baker, in his letter, requests the judges to notify the grand jury of the current rumors, and to instruct the jury to investigate these rumors and to bring indictments if the jurors believe

the rumors are true. He also asks that a special prosecutor be appointed.

The letter closes with this paragraph:

"I have considerable evidence myself. I know where more evidence can be secured. I will present the evidence I have, personally, if asked to do so, and name the people who have more. I will do all I can to help in the investigation."

Judges Beacom and Tilden refused Thursday to discuss the letter.

THEY ALSO REFUSED TO STATE THE CONTENTS OF THE LETTER OR GIVE IT OUT FOR PUBLICATION.

Baker thought it would be discourteous for him to give it out and therefore he refused also.

Judge Tilden said that at the proper time some announcement would be made regarding the case. He would not say when the proper time would arrive.

THE GRAND JURYMEN ARE EAGER TO TAKE UP THE INVESTIGATION.

The charges made by Collector Chas. F. Leach and Solicitor Baker, together with other rumors and suspicious circumstances that have been freely related by certain delegates, have aroused the jurymen to a belief that something ought to be done.

The law gives them authority to investigate matters supposed to be criminal on their own initiative. They do not need to wait for the judges or prosecutor to call an alleged violation of law to their attention.

In the absence of two grand jurymen Thursday, because of sickness, the others did not officially take up the matter, but merely discussed it informally.

NORTON GOT POINTERS.

Republican Worker Dropped in at Democratic Tent Meeting and Heard Speeches.

The Democrats of the twelfth, thirteenth, fourteenth and fifteenth wards got together last night in one of the largest meetings the old tent has accommodated so far in the campaign. The tent was pitched at the corner of Woodland avenue and Linden street and was filled to the walls. Mayor Johnson failed to put in an appearance but the remainder of the local campaigners were there to talk things over with the crowd.

Miner G. Norton circulated in and out of the aisles, "just getting a few pointers." He did not applaud much but he maintained a look of interest in all that was going on.

City Solicitor Newton D. Baker was chief speaker. He attacked a number of the actions of President Roosevelt and dwelt with particular stress on the Panama canal case. He called Roosevelt headlong and impetuous, and declared he was not a safe man in whom to confide the powers of the government. He drew a picture of the dreams of the immigrant and sought to dispel these dreams by telling of the spirit of militarism which he said was permeating the present administration.

Dr. Aaron Hahn, candidate for the school board, made a plea for the freedom of the school from politics. Robert Wright, candidate for county auditor, Joseph McGorray, candidate for sheriff, C. A. Selzer, candidate for police judge, and a number of other candidates spoke. Peter Witt was there with his picture talk and devoted the greater part of his time to taxation questions. McGorray predicted a Democratic majority on the West Side of from 3,500 to 4,000.

KEELER READY TO INVESTIGATE

Wants to Learn What Baker
Knows Regarding a
Conspiracy.

The Prosecutor After Evidence
to Present to the Grand
Jury.

Prosecutor Keeler yesterday gave his first public expression of a desire to look officially into City Solicitor Baker's charges of corruption in connection with the recent Republican county convention.

"I would like to have Mr. Baker call and see me in regard to the matter," said Keeler. "We could then go over the facts together, with a view toward making them the subject of a grand jury investigation. So far, however, nothing has come before me officially. There has been no one to inform me personally of the existence of any evidence that would warrant an investigation."

Although Judges Tilden and Beacom, who are sitting in criminal court, have received Baker's letter demanding an investigation by the grand jury, they have not yet come to a decision with reference to its contents. Judge Tilden said yesterday that he and Judge Beacom were considering the matter carefully, and if they came to any conclusion it would be announced in open court. Judge Tilden would not disclose anything of the letter's contents, declaring that it was an official matter, not yet decided, and as such should not be made public at this time.

It is known, however, that Baker's letter contains a formal request that the grand jury be instructed to investigate the Republican convention. It also states that the writer is in the possession of certain evidence, and that he knows where there is more. The letter closes with an assurance from the city solicitor to the effect that he would do all in his power to aid such an investigation should it be called.

Neither Judge Tilden nor Judge Beacom will discuss the proposition embodied in Baker's letter. So far, neither has uttered any expression that might tend to indicate his individual feelings on the subject. Among the other judges, however, who are not in the least interested in the matter officially, there is a sentiment that the courts should not be allowed to take any interest in political charges. Said one of the judges yesterday:

"The courts must be strictly neutral. That is the very essence of the law, and it is the true way to look at the question. When one party makes charges against another, there is a form of redress that is specifically provided for in the constitution. There is a political solution, it lies in the ballot box.

"If crime has been committed, it is the duty of the courts to act when the crime is made a subject for fit judicial action. But the courts must not be dragged into a political quarrel."

JURY MAY GO AHEAD.

No steps having been taken to bring the matter officially to their attention, the grand jurymen, Friday, were considering the question of going ahead of their own accord in an investigation of the charges of bribery in the Republican county convention. **THE JURYMEN HAVE THOROUGHLY DISCUSSED THE MATTER FOR SEVERAL DAYS.**

City Solicitor Baker has not yet received a reply to the letter he sent to Judges Tilden and Beacom, demanding that the grand jury investigate the charges.

He will not let the matter drop. If the judges refuse to take up the investigation he will take some other action, he said Friday.

Judge Tilden said Friday he had no statement to make on the matter.

It was understood Friday that Judges Beacom and Tilden had answered Baker's letter, but Baker had not received the answer Friday.

TALKED OF CHARGES.

City Solicitor Says Apathy When
Bribery Rumors Are Openly
Discussed is Amazing.

The Democratic master of tents had to place an extra centerpole under his canvas when he raised it for the meeting last night at Lincoln park, on Jennings avenue. Even with the extra pole and the consequent enlargement of the tent the spacious inside was filled with fifth, sixth and seventh ward Democrats. The seventh Ward Parker and Davis club had a torch light parade and 100 members of the club attended the meeting in uniform.

Mayor Johnson was the evanescent figure at the meeting and he received an ovation when he was announced for a speech. The mayor's voice was in a poor condition and he merely acknowledged his reception and told in a few words what had been done in the past three years in the way of tax reform and low fare agitation. The crowd insisted that he continue his speech, but he introduced them to Peter Witt, who gave his picture talk.

City Solicitor Baker referred in an indirect way to the refusal of Judges Beacom and Tilden to appoint a special prosecuting attorney to prosecute the charges made by Mr. Baker relative to a conspiracy by the Republicans relative to control the taxation machinery of the county. "I called attention to these rumors that have been floating about the city," said Mr. Baker. "The Republican leaders said it was up to me to offer proof and they would investigate. I wrote to the Republican county chairman and he answered me with a trifling letter that not even referred to my proposal that a special prosecutor be appointed."

"If an old man, a man without position, had been murdered and his murderer was an abandoned creature the police force would have become active; there would have been sermons on the crime from all the city pulpits, the grand jury would have been hastily summoned, and the entire city itself would have been aroused. But when even the children know it, when there are rumors broadcast on the streets that a convention was purchased, that delegates chosen to represent the people had sold themselves to office-seekers and their backers, there is an era of surprising inactivity. We have seemingly a quiescent feeling when corruption is talked about, because we are used to hearing of it."

"There is a question far and above a question of Democratic or Republican success, above the election of Parker or Roosevelt, and it is the question whether the American people will submit to the sale of their liberty."

The remainder of Mr. Baker's speech was a discussion of national and state issues.

The other speakers of the evening were J. V. McGorray, candidate for sheriff; Robert C. Wright, candidate for auditor; C. A. Selzer, candidate for police judge, and Sylvester McMahon, assistant police prosecutor.

"WITH BEHM," SAID THE MAYOR.

Mayor Tom pitched his tent at Woodland-av and Tennyson-st in Councilman Behm's ward Tuesday night. When Mayor Tom arose to speak Behm's constituents demanded to know why the mayor was against their councilman.

"I am not," said Mayor Tom. "I fought him openly in the caucus, but now I am with him."

The mayor gave way to Solicitor Baker. Baker said "protection is robbery," and bowed to Peter Witt's X-ray pictures.

CROWD FILLED TENT.

Democrats Held Forth Last Night in
the Heart of the Eighth
Ward.

A big and enthusiastic crowd greeted the Democratic speakers in the tent pitched at the corner of Pearl and Washington streets in the heart of the Democratic eighth ward last night. Hundreds of shouting children announced the approach of Mayor John as he came up in the auto. Dr. J. C. McClain, candidate for councilman-at-large, presided over the meeting and introduced Charles W. Lapp, J. V. McGorray, Newton D. Baker and Sylvester McMahon preceding the mayor.

Mr. Baker talked on national and state issues almost exclusively. In his discussion of state issues he made a caustic arraignment of the record of the Republican majority in the recent session of the legislature. As at previous meetings, Mr. Johnson, after a brief allusion to national questions, devoted his time to a review of the record of the present city administration in the fight for a low fare railway and for the equalization of taxes.

At the close Peter Witt held the attention of the crowd for over half an hour with a picture talk. A few Starstedt admirers started making noise at the beginning of the talk, but they soon quieted down under Witt's retorts.

One Change in Requirements.

Acting under an opinion from City Solicitor Baker, the board of education yesterday decided that the requirements for special teachers of elocution in the Cleveland high schools will be the same as in the past, except that the history, theory and practice of teaching will be required in examination instead of physiology and narcotics.

FOREMAN OF GRAND JURY READY TO ACT

Chas. H. Flick, 46 Rosemere-st, Glenville, foreman of the grand jury, announced Saturday afternoon that he would himself present the charge of alleged bribery in connection with the Republican county convention to the grand jury next week. Flick is a Republican.

"I want all parties having evidence in the matter to come forward with it," said he. "I am eager to investigate and ascertain the truth or falsity of the charge."

Flick said that the matter would probably be presented the latter part of next week or the first of the following, as the jury now has enough cases to engage its attention for four or five days.

JUDGES TILDEN AND BEACOM REFUSED SATURDAY TO APPOINT A SPECIAL PROSECUTOR TO INVESTIGATE THE CHARGES THAT DELEGATES WERE BRIBED AT THE REPUBLICAN CONVENTION.

They replied to City Solicitor Baker's letter, in which he urged such appointment. Their letter read in full:

"Your letter requesting the appointment of a special prosecuting attorney to investigate and prosecute alleged violations of the primary election laws has been considered.

"The prosecuting attorney himself makes no request for the appointment of a special prosecutor, and the reasons you allege, in the absence of such request, are, in our judgment, insufficient.

"Up to the present time we know of no sufficient reason why the matter you refer to cannot be taken up and investigated in the way that alleged violations of criminal statutes are usually investigated. We, therefore, are of the opinion that such appointment should not at this time be made.

Yours very truly,

"D. H. TILDEN,
"M. W. BEACOM."

Asked whether they would take steps to have the investigation started in the usual way, in accord with the suggestion in their letter, both judges refused to answer.

At the same time that their own letter was given out they made Baker's public. It was dated Oct. 12.

Baker first said that at the recent Republican convention candidates and others in the interest of candidates appear to have bought votes. This knowledge, he said, was common property on the street and voters would be confused in making selections on election day.

He quoted the law, showing it was a criminal offense for a candidate to pay or to promise money to influence a delegate. He also quoted the law under which a person is acquit of guilt if he testifies respecting bribery of this kind. A delegate having received money could not be prosecuted if he testified about the transaction. The letter continues:

"In my capacity as city solicitor of the city of Cleveland and prosecutor in its police court I might, upon application, cause warrants to issue for the arrest of persons guilty of these offenses, but, by reason of the peculiar condition of the statutes, to which I have called your attention, no thorough examination can be made in the police court, as the inducements sought to be offered by the general assembly in the act of April 19, 1904, of immunity from prosecution to those who testify in judicial proceedings against persons corrupting or attempting to corrupt the will of delegates, cannot be offered in such an inquiry. Moreover, the investigations of the grand jury are conducted in secret, while any investigation in the police court must of necessity be open. From which it follows that if a thorough-going investigation of these charges be made by a grand jury of the county, and it then be found that the charges are without basis, suspicion will not unnecessarily have been allowed to injure the reputations of innocent men, and such secret deliberations can be turned to no partisan advantage.

"The present prosecutor of the county is himself a candidate for a judicial office, and was nominated by one of the conventions whose deliberations are said to have been improperly influenced. His assistants are of course appointed by him and

are responsible to him. It therefore seems to me that a case has arisen in which the protection of public morals and the prevention and punishment of crime requires the appointment of a special prosecutor by your honors, and such special charges given to the grand jury as will call their attention to the laws of the state prohibiting such offenses.

"I respectfully request that your honors will appoint a special prosecutor and authorize him, with the aid of the grand jury, to make a thorough-going investigation of the condition which I have described, and I offer, as a citizen, to aid such special prosecutor by placing at his disposal a list of names of persons said to have received money, with the amount, place and time of payment, and the persons by whom the payments were made.

"Very respectfully yours,
"NEWTON D. BAKER."

TO TAKE IT UP WITH KEELER

Baker Will Bring Matter of Charges Before Prosecutor at Once.

Foreman of Grand Jury Says That Body is Eager to Investigate.

City Solicitor Baker manifested no surprise yesterday over the decision of Common Pleas Judges Beacom and Tilden to keep hands off the charges of bribery and conspiracy made by Mr. Baker against the candidates nominated by the Republican county convention. He made a formal statement last night in which he said:

"Judges Beacom and Tilden did not appoint a special prosecuting attorney to investigate these charges, because Prosecutor Keeler has not asked for one, and they suggest that the usual method of dealing with crimes is, at present at least, sufficient. Of course I have no right to disregard this suggestion. I feel that Mr. Keeler's position is necessarily delicate and embarrassing. On Monday, I shall call on Mr. Keeler and I hope we can devise some effective way to thoroughly investigate the whole matter. I will help him in every way possible."

Further than this written statement, Mr. Baker would say nothing. "You can say, however," he added, "that I will press the matter to the finish."

"Their decision is wise. It is sensible and it is judicious," said Chairman Hy Davis of the Republican executive committee, after he heard of the decision of the judges.

"The stand of the judges shows that the statement made some days ago that Mr. Baker has no evidence is evidently true. I don't think anything could be stronger in support of my letter to Mr. Baker than that two Democratic judges should refuse to do what he had requested."

CONCON FIGHTING FOR FRANCHISE.

JUDGE SANDERS ARGUING IN UNITED STATES COURT FOR INJUNCTION RESTRAINING CITY FROM SELLING KINSMAN-ST GRANT.

Judge Sanders, of Squire, Sanders & Dempsey, argued before Judge Wing, of the United States circuit court, Saturday for the injunction asked for by the Concon, restraining the city from giving the franchise of the Kinsman-st Railroad Co. to the Forest City Railway Co. The city claims that the franchise expired last month. City Solicitor Baker and Atty. Westenhaber represented the city.

Judge Sanders argued all morning. He claimed that when the Kinsman and West-side lines consolidated as the Woodland-av & West-side Street Railroad Co., running one line from the workhouse to Gordon-av, the council authorized the consolidation.

"The franchise of the West-side end of this consolidation will not expire until 1908," he added. "While it is true that the Kinsman-st grant expired in September, as a distinct line in itself, the original Kinsman-st line ceased to exist at the time of the consolidation. We no longer operate by the Kinsman-st grant of 1879, but by the consolidation grant of 1885."

Judge Sanders claimed that the construction of the Willson-av cross-town line in 1894 by council ordinance, permitting the joint companies, the Big and Little Consolidated lines to jointly construct the line, extended, by implication, all the intersecting lines, until July 1, 1914.

"Suppose the city is right in its contention that the Woodland franchise expired in September, what becomes of the obligations of the railroad company to transfer passengers to and from the Willson line and of the right of passengers to demand such transfers?"

Judge Wing desired to know whether any ordinance gave the company that right. Sanders read the ordinance. "Is that all?" Judge Wing asked. "Doesn't that infer that the passenger shall have the right to transfer if such line existed?"

"We have the absolute right to operate the crosstown line until 1914," said Sanders, "and we must operate it according to the ordinance. Now as an illustration—"

"I don't want any illustration," interrupted Judge Wing, "I want to see where there is any compulsion."

"If we cannot operate the cross-town line without a continuation of the system of which it is a part, by necessary implication, we can-

not carry out the provisions of the ordinance and we are required to transfer on all the intersecting lines just as though the franchises for those lines had been extended."

Atty. Westenhaber, for the city, argued that nothing is to be taken for granted unless it is so stated in the ordinances. A franchise, he said, always expires at the earliest date, if there is nothing to the contrary.

WILL APPEAL TO SUPREME COURT

Cleveland Electric Won't Give Up if It Loses Franchise Decision.

Kinsman Street Question Was Fought Out Yesterday Before Judge Wing.

Judge Wing of the United States circuit court has taken under consideration the question of making permanent an injunction granted two months ago preventing the city from assigning the Kinsman street franchise to the Forest City Railway Co. The question was argued on motion made by the Cleveland Electric Railway Co., the plaintiff in the injunction proceedings. There is no time suggested when the decision of the court will be announced.

Consideration of the motion occupied the entire day. Horace Andrews, president of the Cleveland Electric, and John Stanley, general manager, were present during the hearing, as was Mayor Johnson. The Cleveland Electric was represented by Judge Sanders of the firm of Squire, Sanders & Dempsey, the Forest City Railway Co. was represented by Attorney Westenhaber, and the city's interests were cared for by City Solicitor Newton D. Baker. The case had attracted considerable attention among the financiers and lawyers of the city, and there were a large number of spectators in the courtroom during the day. The argument was concluded at 4:30 o'clock.

Judge Sanders occupied the greater part of the morning with his argument. One principle which the Cleveland Electric is said to be advocating ran through his entire argument; that a franchise granted for the extension of a line, operated to extend the franchise of the connecting lines, to the date of the expiration of the latest franchise. This proposition was contested by the city and by the Forest City Railway Co. and it is on this that the case is said to rest.

It was claimed by the Cleveland Electric, without dispute on the part of the city, that the Kinsman and West Side lines consolidated as the Woodland Avenue & West Side Railroad Co. Judge Sanders contended that while he acknowledged the Kinsman street franchise expired in September as a distinct line in itself, the original Kinsman street line ceased to exist as an entity on the date of the consolidation, and that the franchise for this consolidation does not expire until 1908. "We no longer operate the Kinsman street line by the grant of 1879," said Judge Sanders, "but by the consolidation grant of 1885."

As an addition to his argument, Judge Sanders introduced the grant of the Willson avenue line. He contended that the ordinance passed by the city council in 1894, permitting the Big Consolidated and the Little Consolidated to jointly construct the Willson avenue line, extended, by implication, the franchise of the connecting lines to 1914, the date of the expiration of the cross-town line.

Attorney Westenhaber, for the Forest City Railway Co., which seeks to secure the Kinsman street line for the purpose of operating a low fare line, combated the argument of Judge Sanders. His

argument was more brief than that of Judge Sanders, and was used to place on record the position of his company in the litigation.

Mayor Johnson sat near City Solicitor Baker and Mr. Westenhaber, and interpolated suggestions at times. He manifested a great interest in the proceedings, and followed every word of the argument of all the attorneys.

All the ordinances passed by the city council concerning the street railways of the city, with the "electrization" ordinance giving the right to the existing companies to substitute electricity for other motive power, were produced by Mr. Baker and were used to some extent in his presentation of the city's case. His argument was based on a principle diametrically opposed to that advocated by Judge Sanders on the time when franchises expire. He stated that as a principle of right, recognized by the statutes, the franchise of a street railway line should expire at the date named in the grant, in order that the public might make a new bargain with the holding company or assign the grants to some new company that would offer the people better service or better terms in return for the franchises.

Mr. Baker filled his argument with metaphorical illustrations of horses and buggies, mines, and houses and lots, to prove that a grant of one property, even if it is to be used in connection with another property, does not necessarily extend the lease of the one to the expiration of the lease of the second, merely for the sake of the convenience of the lessee.

Judge Sanders concluded the argument with five minutes spent in rebutting a number of the statements made by Mr. Baker.

If the Cleveland Electric loses it will carry the case to the supreme court, which would mean that it would not be heard before four years had passed, or in 1908. This is the date when the company says the franchise expires.

"KEELER TO ACT"

CITY SOLICITOR BAKER CONSULTS WITH KEELER ON BRIBERY CHARGES AND TELLS WHAT THE PROSECUTOR PROPOSES.

BULLETIN.

At the 2 o'clock conference Monday of Solicitor Baker and Prosecutor Keeler there was a long discussion of the proposed grand jury investigation of the charges of bribery at the Republican convention.

Baker did not ask Keeler to recommend the appointment of a special prosecutor. He did not make any request of Keeler.

"The conference was very satisfactory, however," said Baker. "Keeler expects to act in some way. He now has the matter under advisement and will make known his decision. He recognizes the gravity of the charges."

Keeler said that Baker's statement was correct and he had nothing further to say.

After spending all Monday morning in an effort to see Prosecutor Keeler, City Solicitor Baker at noon caught Keeler by telephone and the two agreed to meet at 2 p. m.

Baker called at the prosecutor's office.

Keeler was closeted with other persons.

Baker waited about an hour and then left for probate court, where he had a case. At noon, the agreement to meet at 2 p. m. was entered into.

At the city hall, before he left for Keeler's office, Baker said this:

"I will lay before the prosecutor all the facts I know in the matter of bribery at the Republican convention. I will show him why I think an investigation ought to be made. From the letter I received from the judges I am confident they would appoint a special prosecutor to take up the charges, if Keeler asked them to take such action.

"I WILL TRY TO SHOW KEELER WHY IT WOULD BE LESS EMBARRASSING FOR HIM TO HAVE A SPECIAL PROSECUTOR ACT IN THE CASE. I DO NOT KNOW THE FOREMAN OR ANY MEMBERS OF THE GRAND JURY. AND WILL NOT SEE THEM PERSONALLY UNLESS CALLED BEFORE THE JURY."

SOMETHING WILL BE DONE, SAYS KEELER.

COUNTY PROSECUTOR PROMISES A STATEMENT ON CONVENTION BRIBERY—SAW STEVENS AND HY DAVIS.

Prosecutor Keeler said Wednesday: "I have been making an investigation to see whether I should go ahead in the bribery matter. My talk with Solicitor Baker brought out some things. I had a talk with Secretary Stevens, of the Municipal association, as to taking up the matter along other lines. I SHALL HAVE A STATEMENT READY THURSDAY AFTERNOON OR FRIDAY MORNING. SOMETHING WILL BE DONE—WHAT, I HAVE NOT DEFINITELY DECIDED."

Secretary Stevens said: "I gave Mr. Keeler no advice and made no suggestions. I was called to the conference by Mr. Keeler. Whatever statement is given out must come from him."

Prosecutor Harvey Keeler was in consultation for over an hour Wednesday with Chairman Hy Davis, of the Republican County committee, at Republican headquarters.

"The alleged misuse of money at the county convention was not the subject of our talk," said Davis, when the consultation was over.

"I sent for Keeler on business. I don't care to go to his office, for fear my visit might be misconstrued. The only reference made to bribery was when Keeler was leaving. I said, 'Keeler, it will be said that you came here to talk about these charges. This bribery affair is a serious business—very serious. I advise you to take your time—not too much, however—and consult with your friends about your action.'

"Keeler's position is delicate. His party has been attacked, and it is a vital attack. Much depends upon his course.

"I DO NOT WANT TO SAY THAT NO MONEY WAS USED AT THAT CONVENTION. I HAVE NO RIGHT TO SAY MONEY WAS USED, BUT TAKING THE HISTORY OF ALL CONVENTIONS IN THE PAST, AS A GUIDE, IT IS PROBABLE THAT MONEY WAS USED.

"I do not wish to say that any one paid delegates money for their votes. I have investigated and can find no one who saw any such transactions. But money is spent at conventions in many ways, everyone knows that.

"I think Keeler's investigation will show that there is nothing to the charges."

WILL TEST BILL BOARD LAW.

INSPECTOR DOOLEY BEGINS CRUSADE UNDER PROVISIONS OF NEW CODE.

Inspector Dooley has begun a crusade against violations of the bill poster ordinance. Wednesday he stopped the construction of a board at Erie and Hamilton-sts, which was being erected by Bryan Bros. Manager Bryan was indignant and, with Dooley, called on City Solicitor

Baker. Bryan declared the ordinance illegal. His claim was that no ordinance could regulate the erection of boards on private property, that it was violation of personal rights.

Baker agreed that some courts had so decided, but said that until such a decision had been rendered by the Ohio courts the ordinance would be enforced. Bryan said he would bring suit at once to test the case.

"Until you do," said Dooley, "we will stop the construction of boards." It was decided that boards already erected would not be molested, until after the case had been settled in the courts.

The ordinance in question is a part of the new building code, recently enacted. It provides that no billboard shall be constructed within 15 feet of the street and that no board shall exceed 10 feet in height and 42½ feet in length.

WAR DECLARED ON BILLBOARDS

Building Inspector Finds Several Cases Violating Provisions of New Code.

Suit to be Brought to Test the Constitutionality of the Law.

As a result of the exposure in yesterday's Plain Dealer of the wholesale erection of billboards without regulation, city officials yesterday began a vigorous crusade against the billboard nuisance in Cleveland. Building Inspector Dooley stopped the erection of a board at the corner of Erie and Hamilton streets. As a result a suit to test the legality of the new building code is to be begun in the courts at once.

Orders were issued to the police to keep a close watch on billboards and report the erection of all to the building inspector. Patrolman Thoma reported the erection of one in the rear of No. 21 Superior street. He said its erection violated the new code and work on it will probably be stopped this morning.

President Springborn of the board of public service also stated that the board would strictly enforce the code in its provisions that no boards should be permitted on public property. He found that there was such a sign at the intersection of Ontario street and Vinegar hill. It will be ordered torn down today. Member Leslie of the same body, who has charge of the parks and boulevards, will review the code with the end in view of endeavoring to find whether or not there are provisions in it prohibiting the erection of boards near park or boulevard property, if such boards mar and deface the natural beauty of the landscape.

Chief Kohler, at the request of the city hall people, issued strict orders to all patrolmen to closely watch the erection of all new boards and promptly report them to the building inspector. Under this order Patrolman Thoma of the first precinct was the first man to act.

Building Inspector Dooley was the first man to act in the crusade. First he secured legal opinion to the effect that the new building code in its provisions relating to billboards was enforceable. Immediately thereafter he ordered work stopped on a Bryan company board at the southeast corner of Hamilton and Erie streets. Dooley declared that the board was being erected within fifteen feet of the street line, that it was not supported with iron posts and braces and that the bottom was within three feet of the ground, all of which is in violation of the code. Police were assigned to the lot to enforce Dooley's mandate.

Manager Bryan of the company was quickly notified, and indignant at the action of the authorities hurried to the city hall. He found that the order was official and that it would stand.

"I'll take the matter to the courts," he is declared to have threatened.

Inspector Dooley was for a more pacific settlement.

"Let us see the city solicitor," he suggested.

An adjournment was taken to Mr. Baker's office. The matter was discussed in detail and the city's legal adviser ad-

mitted that there was some doubt as to the legal right of the city in the matter and that he was not positive that the provisions of the new code were constitutional.

"I'll agree to the making of this a test case to determine the constitutional validity of the restrictions of the new code on the subject of billboards," he told Mr. Bryan. "You see your lawyer and have him bring suit.

"The legislature has undoubtedly attempted to give us the power to regulate the nuisance but whether the legislature has the right to restrict people in the use of their property as they see fit is doubtful. It is a question of constitutional rights."

KEELER'S MIND NOT MADE UP

Prosecutor Hasn't Decided What He Will Do in Conspiracy Matter.

City Solicitor's Charges Dismissed—Grand Jury Investigation Urged.

County Prosecutor Keeler and City Solicitor Baker had a half hour's conference in the former's office yesterday afternoon. The subject under discussion was that of Baker's recent charges against the last Republican county convention. At the conclusion of the interview it was announced by Baker that the consultation had been "very satisfactory."

Further than this, though, neither Keeler nor Baker cared to go. The prosecutor acquiesced in the solicitor's terse description of the talk, but beyond this admission, that the meeting was "very satisfactory," Keeler refused absolutely to state a word, save in generalities.

"We had a very thorough discussion of the charges, and we sifted the facts to the bottom," was the consensus of the legal gentlemen's opinions. Baker stated that he had assured Keeler of the urgent demand for a grand jury probing of the charges, and that he, Baker, was ready and willing to do all in his power to aid such an investigation, should one be held. Baker also ventured the assertion that Prosecutor Keeler had been "very gracious" throughout the conference, and this little compliment Keeler returned in kind.

"I will make known what I intend to do in a very few days," was Keeler's only pointed comment on what Baker had confided to him.

"That means that your mind is not yet made up?" it was suggested.

"Exactly," was Keeler's response. "We went all over the ground but I have not yet made up my mind. When I do, I will let the fact be known. Until then, however, I have absolutely nothing to say."

TRYING TO GET AT THE FACTS

Something Will be Done, Says Keeler, Referring to Corruption Charges.

Judges Will Grant Request for Appointment of a Special Prosecutor.

The chances of the grand jury making an investigation into the charges of corruption against the last Republican county convention, and of that investigation being conducted by a special prosecutor appointed by common pleas court for that purpose, are such as to make the event a practical certainty.

"Something will be done," was the prosecutor's statement yesterday. "The only uncertainty is regarding just how it shall be done."

Just what Keeler means by "it" is not of record. The situation, however, is that of a prosecutor asked to either do a certain thing, or else to refuse to do it. Keeler's remark about "something" that is about to be done, is generally taken, in political circles, as meaning that he will ask for a special prosecutor to take up the charges that have arisen out of the county auditorship contest. Because that is the only thing he can do. His only alternative is to do nothing, and he has expressly declared that he will do "something."

Arguing from the axiom that "something" is not nothing, political wisecracks were insistent yesterday in their contention that the conduct of the Republican county convention will yet be thoroughly aired and sifted in an official inquest of the county grand jury.

Keeler's own actions yesterday showed a spirit of desire to get at the facts in the convention case. He remained away from his office all forenoon, and that time he spent in an earnest conference with County Chairman Hy Davis. Davis said that Keeler and he talked business utterly foreign to the corruption charges. Keeler himself stated that his visit to the committee rooms was in the capacity of a candidate who had a formal errand to perform there.

The prosecutor stated yesterday that he had sent for several prominent Cleveland men, whom he wished to interview in the matter. Among those who were called in by the prosecutor was Secretary Frank E. Stevens of the Municipal association. Stevens called at Keeler's office and the two had a long confidential talk, about which neither would say a word. Keeler's other summonses are for men who are thought to know something of the matters treated of in Solicitor Baker's charges. Keeler is thus trying to go to the bottom of the charges himself.

"We will be ready to act by Thursday afternoon or Friday morning at the outside," was Prosecutor Keeler's resume of his day's work. "By that time I shall have a statement ready."

There is every reason to believe that, should Prosecutor Keeler ask for a special, nonpartisan and disinterested prosecutor to take up the charges before the grand jury, his request would be at once granted by the common pleas judges.

DO NOT FEAR COST OF SUIT

Councilmen Think \$46,000 of
the Taxpayers' Money
Can be Saved.

Favor Breaking of a Contract,
but Believe in Moving
Cautiously.

The reception of upset bids and the possible breaking of the present contract with John Wagner for the section of the intercepting sewer just east of Doan street in Glenville will be advised by the special council committee investigating the contract in its report to the council Monday night. The report of the committee was formulated yesterday morning at a conference with City Solicitor Baker.

The report reviews the history of the contract, states that work has been delayed until now because the city did not have the necessary funds with which to proceed and covers the matter in detail. The report says:

"Your committee is informed and believes that reliable and responsible contractors are willing to complete the construction of the section of interceptor by tunneling for a sum not in excess of \$80,000, thereby effecting a saving of \$46,000 to the city.

"Your committee has asked the opinion of the city solicitor as to the power of the council to atrogate the contract originally made. We are informed that the council has the power to break the contract in question if it will make the consequence of a suit for damages in which the contractor can recover any damages shown to have been actually suffered by him. Just what the measure of such damages would be your committee cannot with certainty say, but we are inclined to believe that they would be greatly less than the sum of \$46,000 proposed to be saved by the substitution of a new contract.

"Your committee feels that it would be unwise for the council to break the contract with Contractor Wagner without some security that a responsible bidder would, as a matter of fact, when advertisement was made, put in a bid for \$80,000.

"In order to accomplish the object set forth in this report we will introduce in the name of Mr. Pears a resolution carrying out the recommendations which we have made."

Mr. Baker prepared for the committee the resolution which Mr. Pears will present.

TO MAKE BEQUESTS LEGAL.

Form for Those Who Wish to Help
City Farm School.

At the request of Member Cooley of the board of public service, City Solicitor Baker yesterday morning prepared a form of bequest which he thought should be used by parties desiring to make bequests to the city farm school, so that such bequests would be legal.

Several people have advised Mr. Cooley of their intention of making bequests to the institution and in one case he was requested to indicate the necessary legal form in which such a bequest should be written.

FEAR EFFECT ON THE PARTY

Republican Politicians Urging
Prosecutor Not to Act in
Conspiracy Cases.

Keeler is Thinking and Listen-
ing to Insistent and
Clamorous Voices.

Prosecutor Keeler's promised statement in regard to City Solicitor Baker's request for an investigation into the last Republican county convention, was not forthcoming yesterday, despite the fact that it had been scheduled for yesterday morning.

When the morning passed without any manifest materialization of his statement in the matter, Keeler intimated that he might act in the afternoon. But the prosecutor was closeted with a caller the greater part of the afternoon, and court was closed when he left the office. His attitude was then the same that it has been since the beginning.

"I cannot say anything just yet about it," was the prosecutor's comment last night. "My decision will be ready in due time."

There is considerable speculation rife in political circles over the exact cogitations which disturb the prosecutor's mind. Some say that Keeler is still undecided upon a grand jury investigation of Solicitor Baker's charges; others that he is undecided between the expediency of asking for a special prosecutor to take charge of the investigation, and his duty as official in charge of the grand jury.

It can be generally stated, however, that if Keeler has decided upon an investigation at all, as he probably has, he will ask to be relieved of the embarrassment of conducting it himself, he being a nominee of the convention whose morals are questioned.

While he is deliberating upon the proposition, and conducting his investigation into the matter preliminary to making it the subject of a possible grand jury investigation, Keeler is not without plenty of rather insistent and clamorous advice, pro and con, which is freely contributed by those who claim to know all about it.

It is known that Republican politicians are bringing influence to bear on the prosecutor, seeking to impede the proposed investigation from motives of party expediency.

It is known that Keeler is being strongly urged in both directions, and this fact, taken in conjunction with an unusually heavy rush of county business, which has immersed Keeler for the past few days, is put forward by his friends as his excuse for deferring action.

Keeler, himself, refuses to discuss the situation, save to reiterate his previous assertion that "something will be done," and it is now only a question of "proper procedure."

THINK SUM TOO LARGE.

Several City Officials and Council-
men Object to Paying \$10,000 for
Work on Building Code.

Chairman Weitz of the council committee on finance yesterday called a meeting of that committee for the purpose of considering the resolution introduced into the council to appropriate \$10,000 for the purpose of compensating John Eisenmann for his work in preparing the new building code.

"I simply want to ask on what basis the claim of \$10,000 is placed," said Mr. Weitz in calling the meeting. "A lot of work and hard work has undoubtedly been performed but \$10,000 seems to me to be a high price for it."

Some other opposition to the payment of the specified sum is said to have been made. Mayor Johnson, Vice Mayor Lapp, City Solicitor Baker and members of the board of public service are said to object to the amount.

"I don't think the sum is quite right," said Mayor Johnson. "I am perfectly willing to see Mr. Eisenmann get something, but I think \$10,000 is too much."

"We were guided in getting up the report recommending \$10,000 by the expression of various members of the council," said Councilman Walker, one of the building code committee members. "A majority seemed to favor \$10,000. Some thought Mr. Eisenmann's services were worth \$15,000 or \$20,000. I, as a builder, know the value of the work and feel that it is well worth the sum which it is proposed to pay him."

MAY BREAK CONTRACT.

After consultation with Solicitor Baker Friday the council committee, appointed to investigate the contract with John Wagner to construct that portion of the intercepting sewer from Doan-st 1750 feet east, passed a resolution recommending that he contract be abrogated, if possible.

Solicitor Baker said the contract was valid, but that such changes had been made that it might be possible to break it. The servers were asked to definitely ascertain whether contractors who claimed the job could be done for \$80,000 would pledge themselves to do the work for this sum. Councilman Pears said he believed the city could abrogate the contract, stand suit for damages and still save money on the work.

Political Meetings Tonight.

DEMOCRATIC.

Tent, Broadway and McBride street—Speakers: Tom L. Johnson, Newton D. Baker, W. J. Springborn, J. V. McGorray, Robert C. Wright, John Vevera and Peter Witt.

Kenmore club, 116 Brownell street—Speakers: Tom L. Johnson, Newton D. Baker, J. V. McGorray, John Vevera, Robert C. Wright, P. L. Leighey and music.

KEELER WILL CALL ON THE JUDGES.

County Prosecutor Has Decided to Confer With Beacom and Tilden in the Matter of Baker's Bribery Charges.

Alexander Hadden or C. W. Collister Mentioned as Special Prosecutor in the Case--Both Are Republicans.

PROSECUTOR KEELER WILL HOLD A CONFERENCE MONDAY MORNING WITH CRIMINAL JUDGES BEACOM AND TILDEN AND TAKE UP THE QUESTION OF APPOINTING A SPECIAL PROSECUTOR FOR THE REPUBLICAN CONVENTION INVESTIGATION IN THE GRAND JURY.

The names of two men have been considered—Alex. Hadden and C. W. Collister. Keeler suggested Hadden and Baker named Collister. Both Hadden and Collister are in the same law firm and both are Republicans. Hadden was once prosecutor and understands grand jury work.

KEELER HAS ACCUMULATED ENOUGH EVIDENCE TO SHOW THAT THE INVESTIGATION OUGHT TO BE HELD. HE HAS HEARD OF INCIDENTS IN WHICH MONEY IS SAID TO HAVE BEEN OFFERED OR PASSED TO INFLUENCE VOTES.

Political Meetings Tonight.

DEMOCRATIC.

Tent meeting, corner of Broadway and Harvard street—Speakers: Mayor Tom L. Johnson, Newton D. Baker, W. J. Springborn and Democratic candidates. Stereopticon views.

The Democrats will again carry the speaking campaign into the Newburg district Monday night with a tent meeting at the corner of Broadway and Harvard street. On the same evening a meeting will be held in the heart of the district over which "Czar" Bernstein is dominant, at the Liberty gardens, at the corner of Orange and Perry streets. The speakers who will do the major part of the work will be Mayor Johnson, Newton D. Baker, W. J. Springborn and the candidates.

TO PROTECT PEDESTRIANS.

City Solicitor Baker has prepared an ordinance to regulate the use of sidewalk elevators. It will be introduced Monday by Councilman Weitz. Baker recently was caught on a sidewalk elevator on Superior-st. It lifted him several inches into the air. He fell and was slightly hurt.

The ordinance will provide that some one must be stationed on the street to warn pedestrians before the elevator is raised.

TAKEN AS ADMISSION.

Baker Thinks Davis Concedes the Truth of Charges of Corruption at Republican Convention.

The campaign tent was pitched last night on Lorain street and the crowd filled the space between the walls. Mayor Johnson and City Solicitor Newton D. Baker were the principal speakers. Mr. Baker discussed national questions and for the first time in a week, took up the charges of corruption he has preferred against the Republican county convention.

In discussing these charges he said: "I am astonished at the light manner in which Chairman Davis of the Republican committee has treated these charges. I regard the statement of Mr. Davis to the effect that money is used at all conventions, published this afternoon, as an admission that corrupt methods were used at the Republican convention."

Mayor Johnson talked on 3-cent fare and the equalization of taxes. J. V. McGorray, candidate for sheriff, Robert C. Wright, candidate for auditor, Charles A. Lapp, candidate for congress, and Dr. Walz, candidate for council, made short speeches.

BRINGS SUIT FOR \$3,200.

City Solicitor Seeks to Recover on Police Court Bonds.

Six petitions were filed in common pleas court by City Solicitor Newton D. Baker yesterday, asking judgment against the sureties on bonds forfeited by men who had been held prisoners at the central police station.

Baker seeks to recover, in all, \$3,200 for the city. These are only the first of a series of suits that will be started. None of the defendants of the suits filed yesterday are professional bondsmen, but suits will be brought against these men later.

LOCAL ISSUES DISCUSSED.

Large Crowd at Democratic Tent Meeting Last Night.

In spite of the inclement weather, a splendid crowd gathered in the Democratic campaign tent which was pitched at the corner of Pearl and Kinkle streets, last night.

The speakers, including Mayor Johnson, Newton D. Baker and the Democratic county candidates, made the local campaign the feature of their addresses. Special stress was laid on the contest between Sarstedt and Wright in the arguments presented along the line of the fight for the equalization of taxes.

BAKER SUES TO RECOVER ON POLICE COURT BONDS.

CITY SOLICITOR BRINGS ACTION AGAINST SURETIES FOR
TOTAL AMOUNT OF \$3200.

City Solicitor N. D. Baker filed six petitions in common pleas court Saturday morning, asking judgment against the sureties on bonds forfeited by men who had been held as prisoners at the Central police station.

In all he seeks to recover \$3200 for the city. These are the first of a series of suits that will be started. It is hoped to put a stop to the evil which has long existed in this connection.

Those who are sued by the city solicitor are not professional bondsmen, but suits will be brought against these men later. There are plenty of bonds bearing their signatures.

On Aug. 29, 1904, H. G. Schalbly,

an attorney and manager of the Special Police Co. signed the bond of Geo. Bradley, a suspicious person. It was for \$500. Bradley did not appear for trial, and the bond was declared forfeited. In other cases, the defendants, the amount of bail, the party bailed and the charges are:

City vs. M. J. McGinty, clerk, \$500 for appearance of Mathew Smith, suspicious person. City vs. E. J. Rafferty, saloonist, 166 Erie-st, \$500 for appearance of Robt. Van Sands, suspicious person. City vs. Wm. Green, attorney, \$200 for appearance of Frank Kirkivitz, shooting within city limits. City vs. A. T. Brinsmade, attorney, \$500 for appearance of Geo. Higgins, suspicious person. City vs. same, \$500 for appearance of Geo. Downs, suspicious person.

anything else, but I will not talk about a special grand jury and prosecutor to investigate these charges of corruption, or bribery. I don't doubt the public wants to hear of the developments in this case. It will probably hear of them in due time. Just now I am not saying anything."

To every question put to Mr. Keeler in connection with the charges which City Solicitor Newton D. Baker made against the Republican county convention, he used a stock phrase: "I have nothing to say."

There seems little doubt that the matter will be brought before a special grand jury. It is understood Mr. Keeler has decided that much in his own mind. The question which he is debating now, is whether he shall conduct the hearing or ask that a special prosecutor be appointed to try the case. It is considered probable by his friends and the attorneys who have followed the question, that he will not consent to assume charge of the case himself.

Early last week Mr. Keeler made the announcement following a conference with the city solicitor, that he would have a statement of his intentions for publication Friday or Saturday. Friday and Saturday passed with no statement. He will now set no time when he will make known his determination as to what will be done in the matter.

GO AFTER ALL THE ROADS UNDER PRESENT LAW.

SPRINGBORN STARTS CRUSADE AGAINST UNPROTECTED
CROSSINGS—WILL LET ROADS FIGHT HIM IN
COURTS.

With a list of nearly 100 crossings in his possession, Server Springborn started a grade crossing crusade Wednesday. He said he would demand that every crossing in the city be safeguarded. He is looking up the original grants of each road to find which of them is subject to the ordinances discovered Tuesday.

"The roads will be warned," said Springborn, "and if they do not heed the warning, they will be subjected to the penalty which provides for the arrest of the officials."

Solicitor Baker doubts if these ordinances may be applied to other roads than the Nickel-plate. A municipality, said Baker, has no power, outside of special ordinances, to regulate grade crossings. Springborn declared he would act under present ordinances, and let the railroads determine, in the courts, whether the city has not such right.

NO MONEY FOR LIGHTS.

WATERWORKS DEPARTMENT
HAD TO APPEAL TO BAKER
AS TO FUNDS.

The water works department has overstepped its appropriation for fuel and lighting in the department. At the beginning of the last half of the fiscal year the council appropriated \$50,000 to be used jointly for these funds.

The servers exhausted the entire appropriation in entering into fuel contracts. They were then at a loss where to get money for lights. It is impossible to secure another appropriation before the first of next year.

It was then conceived that money could be transferred from the water works general fund to this specific fund. When the matter was brought to Auditor Madigan, he refused to sign the transfer. The question was then referred to Solicitor Baker to decide as to the legality of the transfer.

TIRED OF BEING HOUNDED.

Keeler Silent Although He Admits
Public Might Like to Know His
Position.

"I am tired being hounded to death over this alleged bribery and a special grand jury," said Prosecuting Attorney Harvey Keeler last night. "A

private lawyer can try this case on its merits, but a public lawyer or a prosecuting attorney can't. I am tired of it and I will not say a word in regard to this matter."

Mr. Keeler was resting quietly at his home on Sagamore street, and had just returned from church.

"I will tell you about the sermon I just heard. I will talk about the weather, or about literature, or about

Fund is Exhausted.

City Solicitor Baker has been asked for an opinion as to whether or not money can be transferred from the general fund of the waterworks department to that for light and heat. The latter fund is exhausted, and the department has no funds with which to pay its lighting bills.

KEELER DIDN'T ASK JUDGES FOR HELP.

PROS. ATTY. KEELER NOW CLAIMS HE HAS NO LEGAL AUTHORITY TO ASK FOR THE APPOINTMENT OF A SPECIAL PROSECUTOR TO TAKE THE REPUBLICAN COUNTY CONVENTION BRIBERY CHARGES BEFORE THE GRAND JURY, AND THAT THE COMMON PLEAS COURT HAS NO AUTHORITY TO MAKE SUCH AN APPOINTMENT WHETHER HE ASKS IT OR NOT.

Keeler went before Judge Tilden in criminal court Monday morning and outlined his claim at length. Judge Tilden undertook to gratify Keeler's expressed hope that the judges render their opinion not later than Tuesday morning.

Keeler entered the court room at 9:30 a. m., after several prisoners had been sentenced. With an open newspaper in his hands, he addressed the court. "I didn't know how else to bring this matter to your attention," he said, "than by asking your honor for an interpretation of the statute on certain questions involved. During the week of Oct. 15, your honor and Judge Beacom received from City Solicitor Baker a letter calling your attention to certain allegations and calling upon you to appoint a special assistant prosecuting attorney for the purpose of investigating the facts and presenting them to the grand jury. He made this application to you because I, being a candidate, would feel

A Certain Delicacy

in the matter. For this consideration I felt most grateful and kindly toward him.

"Your honors made answer Oct. 15 to the effect that, in your opinion, the facts did not warrant such an appointment and, as I had not made application for one, it was the opinion of your honors that no such appointment should be made.

"NOW, THIS IS THE SITUATION: THE PROSECUTOR HIMSELF MAKES NO SUCH REQUEST.

"This is my contention: There is no authority in Ohio law giving me the right to make such a request. There is none giving your honors authority to make such an appointment if I did ask it. Thirdly, there is no authority in the laws of Ohio for you to make such an appointment, whether I asked it or not.

"I think I see where your honor and Judge Beacom made your mistake. You doubtless referred to section 1271, revised statutes, providing that such assistant prosecutor shall be appointed

Only on Nomination

of the prosecuting attorney. You imagined that I would have to make a nomination.

"But that law has been repealed. I am now conducting my office under a totally different statute. I go before you and say I want so much money—so much for my assistants, so much for a stenographer, so much for a detective, perhaps. I had something to do with the framing of that statute. In fact, with the prosecutor of Lucas-co, I framed it. Under it I do not nominate my assistants, as I used to do. I name them. It is my business exclusively. All I ask of you is money to run my office. You look over my estimates and decide whether they are proper. That is your part of it.

"Let us now go to the existing statutes under which additional help for the prosecutor can be obtained. Under section 7196 the common pleas court or the circuit court may appoint an attorney to assist the prosecuting attorney in the trial of any case pending in the court. There is no language which says you shall appoint only when I request it. I maintain that this refers to a matter

Pending Actually in Court.

The matter to which attention has been called is pending only before the grand jury. I maintain there is nothing which says I may or shall make such a request. If you should make such an appointment you would have no power to do it, as the matter is not pending before this court, but before the grand jury.

"There is one law left. Section 1270 provides that in case of vacancy in the prosecutor's office, or in case of sickness or other disability, the court shall appoint an assistant prosecutor to act as long as such disability exists.

"THE QUESTION IS: AM I DISQUALIFIED FROM CONDUCTING THIS INVESTIGATION? ARE THE CIRCUMSTANCES SUCH AS BRING ME FAIRLY AND SQUARELY UNDER THE STATUTE? THIS IS FOR YOUR HONOR TO DETERMINE. I AM A NOMINEE OF THAT CONVENTION. WOULD AN INVESTIGATION OF THIS MATTER INVOLVE CHARGES ATTACHING TO ME?"

"I am willing to go upon the stand there and take my oath that my nomination didn't cost me one cent. It is the cheapest thing in politics I ever got in my life.

"But is my

Interest in My Party

so great as to disqualify me? The only light I can give you is my oath that my nomination didn't cost me

one cent. Another thing: If I am disqualified, are my assistants also disqualified? This is a matter for you to determine. There's Mr. Snider, who has been in my office six years. Mr. Ross has been there five years. Mr. Hyde, there, has been two years in my office. They are all experienced and have had charge of many important cases both in court and before the grand jury. Would disqualification of myself extend to them? I think not.

"I am conducting an investigation now and have been for several days past. I shall know in a very short time what I ought to do. When that time comes—I hope it will be today—I want to know whether I can ask for an assistant if I want one. I ask you to let me know today, or tomorrow morning at the latest. There seems to be a widespread impression that I can have one. I maintain that I cannot. There is an impression that such an appointment ought to be made. If it cannot be made legally it should not be made at all."

"Mr. Prosecutor," replied Judge Tilden, "the court supposed, in case it was necessary, that it was within the power of this court to make an appointment. The court deemed it indelicate to go over your head and appoint somebody to discharge your duties.

"I AM QUITE INCLINED TO SAY TO YOU, IF YOU FEEL THAT YOU CAN'T INVESTIGATE THE MATTER IMPARTIALLY, IT IS DUE BOTH TO YOU AND TO THE PUBLIC THAT ASSISTANCE BE PROVIDED. IF YOU FEEL THAT YOU ARE NOT QUALIFIED, IF YOU ARE EMBARRASSED, IF YOU NEED ASSISTANCE, ALL I CAN SAY TO YOU IS THAT YOU WILL BE GRANTED IT. THAT IS WITHIN THE LAW, I THINK.

"I will say it is the desire of the court that the truth be ascertained. Nothing but the truth will satisfy the court. It may be only rumor, BUT IT HAS GONE/PRETTY FAR FOR MERE RUMOR.

"If you are embarrassed, come to the court. It is not for us to say you cannot act. Let your own conscience be your guide. It is not for us to conduct the business of your office."

Keeler again mentioned that an indictment would not be legal unless the prosecutor who appeared before the grand jury was duly qualified.

"I feel perfectly capable of investigating the matter," he continued. "I've had far more intricate matters to deal with. It's a question of sentiment.

"Certain newspapers have gone so far as to say the investigation would be a farce if I took charge of it, with other such unfair flings. We can investigate capably, fairly and honestly, but, I suppose, if nothing comes of it, I am to be criticised, lambasted and cartooned because somebody didn't get what he wanted."

"Not at all, Mr. Prosecutor," replied Judge Tilden. "You took your oath of office. This is a question of duty. If you do your duty it doesn't matter whether you are criticised or not. If you want assistance, come to me. Let us not discuss the thing any further."

SUBPENAS IN THE BRIBERY CASE.

SEVERAL MEN, SOME OF THEM WELL KNOWN IN POLITICS, CALLED BEFORE THE GRAND JURY.

Subpenas have been issued for the following persons in connection with the grand jury investigation of the bribery charges:

Fred Knight, 135 Burton-st, Glenville; Dr. W. R. Wall; Daniel Lockhard, 179 Marcelline-av; Herbert L. Corlett, 49 Woodbridge-av; Michael Castrignano, 30 Hill-st; Chas. Eisele, Caxton building; C. F. Leach, Federal building; C. F. Leach, jr., Federal building; Robt. Christian, 107 Eldridge; Thos. A. McCaslin, 186 Rosedale-av; Frank E. Stevens, Newton D. Baker, Ira Hoffman.

Two of these—Corlet and Castrignano—were delegates to the Republican convention—the first from ward 5, precinct F, the second from ward 13, precinct A. Leach is collector of customs; Baker, city solicitor; McCaslin, formerly chairman of the Republican county committee; Stevens, secretary of the Municipal association; Hoffman, a reporter; Wall, county jail physician. C. F. Leach, jr., is a minor, a son of the collector.

The subpenas are returnable Wednesday, at 9:30 a. m.

MUST CONFORM TO GRANTS.

City to Try New Method to Force Railways to Erect Gates and Hire Flagmen.

Since the question of the legality of the general ordinances governing gates and flagmen at railroad grade crossings has arisen, President Springborn of the board of public service has practically decided to operate on a new plan. He will compel the railroads to live up to the terms of their grants and the ordinances to which those grants were made subject, regardless of whether the ordinances are now in effect.

City Solicitor Baker stated yesterday that he had not examined the general ordinances bearing on the subject.

"If, however, the ordinance of 1881 was in effect when the Nickel Plate was built and the grant was subject to the provisions of that ordinance, then the city can enforce the provisions of that measure," said Baker.

Mr. Springborn will therefore proceed against the Nickel Plate in accordance with this informal opinion.

In reference to the other railroads Mr. Springborn will first investigate conditions.

If protection is needed the grants of the roads will be investigated and the city will proceed in accordance with the terms of those grants.

Political Meetings Tonight.

DEMOCRATIC.

Tent meeting, Glenville, St. Clair street, opposite Town hall—Speakers: Tom L. Johnson, Newton D. Baker, Fred C. Howe, Robert C. Wright, John Vevera, J. V. McGorray, Harris R. Cooley, Dr. T. A. Burke. Stereopticon views.

Haberman hall, No. 522 Broadway—Speakers: Tom L. Johnson, Newton D. Baker, J. V. McGorray, Robert C. Wright, John Vevera, John M. Sulzmann, Charles L. Selzer, P. L. Lieghley, S. V. McMahon, Robert Crosser.

CLAIM CONTRACT WAS ABROGATED.

The committee on public works and City Solicitor Baker met Tuesday afternoon to discuss the intercepting sewer contract. The city entered into a contract with John Wagner to build 1750 feet of the sewer. The price was to be \$81,000 for the open cut. Later it was found that open work would endanger the railroad tracks and nine-inch lining was found necessary. For this increase \$125,000 was allowed as the total cost.

At the meeting, Tuesday it was held that this was not legal, as only \$100,000 was appropriated. It was claimed that the original contract was thereby abrogated.

Resolution Illegal, Says Baker.

City Solicitor Baker has reported adversely on the council resolution authorizing the board of public safety to sell the old police stations on Wales street and Barber avenue. Baker says the resolution is illegal.

Authority to sell property of more than \$500 in value must be given by ordinance, must be advertised for thirty days and must describe the property which it is proposed to sell. Further legislative action will be necessary before the old stations can be sold.

Political Meetings Tonight.

DEMOCRATIC.

Tent meeting, corner of Superior street and Genesee avenue—Speakers: Tom L. Johnson, Newton D. Baker, R. C. Wright, J. V. McGorray, John Vevera, W. J. Springborn, Dr. T. A. Burke. Stereopticon views.

BOARD MAY DO AS IT PLEASURES

Deputy Supervisors' Contracts Do Not Require Madigan's O. K., Baker Says.

Auditor Must See Expenditures Are Kept in Limit, However.

City Solicitor Baker, in an opinion to City Auditor Madigan, yesterday held that it was not necessary that the board of deputy state supervisors of elections should have their contracts certified by the auditor before they become legal. Baker says that such contracts are legal and that the bills must be paid, providing there is money in the fund with which to make the payment. In other words the law gives the board carte blanche to do as it pleases.

The opinion was rendered in connection with the bill of John P. Cowing of \$7,038.50 for the building of thirty-five voting booths. The board entered into contract with Cowing on July 22, 1904. The case presented the question of whether or not the board's contracts are, like contracts made by municipal boards and bodies, valid only when certified to be the auditor.

After a most thorough review of the question Mr. Baker comes to the following conclusions:

"That the expenses of the board proper to be borne by the city are one of the objects for which the corporation must provide; that the appropriations made by the council semi-annually for the expenses of the board cannot be exceeded and no money can be expended by the board without the action of the council making an appropriation therefor. The board is exempted from any requirement to advertise for bids or to secure specific authority of the council for the making of purchases of supplies except as to printing, where competitive bidding is required, and there is no limitation of amount upon this exemption. That it is the duty of the auditor to confine expenditures made by the board within the appropriation made by the council, there being no fund upon which he can draw to pay vouchers certified by the board with the exception of the fund appropriated for that purpose by the council."

Concluding Mr. Baker says that in the making of a contract such as that made with Mr. Cowing, it would be better, in that it would be consistent with the general policy of the municipal code, for the board to submit such contracts to the auditor for his certificate prior to their execution, there being no liability created by such contracts against the city without such certificate in the event of the depletion below the amount called for by the contract of the funds appropriated by the council for the board's expenses.

With regard to the Cowing contract he advises that, if there is a balance to the credit of the board sufficient to cover the expenditures proposed under the contract, it would be well for Mr. Madigan to so certify on the back of the contract, and that after such certification is made, a certified order drawn in favor of Cowing can be made.

"It is a bad state of affairs," said Auditor Madigan, when Baker handed the opinion to him.

PROBE WAS USED BY THE GRAND JURY.

**BAKER, LEACH, STEVENS AND OTHERS TESTIFIED WHEN
INVESTIGATION OF BRIBERY SCANDAL
WAS BEGUN.**

BULLETIN.

F. E. Stevens, secretary of the Municipal Association, was the first witness called before the grand jury in the bribery investigation, Wednesday afternoon. He was closeted with the jury about an hour. Next Robt. Christian, defeated candidate for the nomination for county auditor, at the Republican convention, was called. He was in the grand jury room about 10 minutes and was followed by Fred Knight, one of his campaign managers, who spent no more time testifying than did Christian. Herbert Corlett, Woodbridge-av, one of the delegates to the convention, was next called, and he remained in the room for some time.

Collector Leach went back to the court house Wednesday afternoon, though he had been excused in the morning.

He said he had something further to tell the grand jury and he was given the chance before Secretary Stevens was called.

Leach was in the grand jury room half an hour.

Every witness summoned in the Republican bribery investigation, except Atty. T. A. McCaslin and C. F. Leach, jr., responded Wednesday morning. McCaslin was out of the city, it was said.

In the upper hall of the new court house, outside the room where the grand jury sits, the witnesses lounged, forming a distinguished group of politicians.

Chas. F. Leach, collector of customs, was the first arrival. Robt. R. Christian, defeated candidate for county auditor, came soon afterward. They perched upon a stair railing and were soon in the depths of an earnest confab.

City Solicitor Newton D. Baker found a safer resting place—on the top step of the stairs, from which position he fired shafts of humor at those who came within range. Secretary F. E. Stevens, of the Municipal association, kept well to himself.

Dr. Wm. R. Wall, defeated candidate for coroner, chafed at being kept in idleness, awaiting the pleasure of the jurymen, when he had medical cases on hand.

Every one of these men, before going up to the grand jury witness room, took an oath before Clerk Guy Flick to tell not only the truth, but the whole truth.

Leach, being a leader of the McCaslin faction, and having been in practical politics for years, knew

nearly every delegate at the convention. Christian is in nearly the same position as Leach. He is said to have information that a certain man was offered \$700 for seven votes and another man was offered \$800.

Fred Knight, one of Christian's political managers, was also a witness.

After Dr. Wall was defeated, information also came to him about certain convention deals. He is expected to be able to give names of men involved in the alleged deals.

Baker and Stevens have both been investigating the methods used in the convention, but for different purposes.

BAKER AFTER SAFETY BOARD.

Said Split Bill Scheme Had Been Reported To.

City Solicitor Baker got after the board of public safety with a big stick yesterday. The board, Baker claims, has been trying the split bill scheme. It would buy articles in small sums, so that the bill for any one purchase would not exceed \$500, but the total amount if combined would, he asserted.

Baker declared the practice illegal and said that in the purchase of anything exceeding \$500 in value the board must advertise for bids and secure the supplies from the lowest bidders.

ORDERED TO BUY ON CONTRACT.

The safers were ordered by City Solicitor Baker Monday to revolutionize their method of purchasing supplies.

A bill for \$243 for coal was presented by the Zettelmeyer Coal Co. Auditor Madigan declared the bill was split and would not pay it without advice from the city solicitor.

The code says all bills over \$500 must be authorized by the council. The coal bill is considerably more than this for the season. Baker said the bill was a violation of the intent of the law.

As the bill was in itself correct he ordered it paid. In the future, however, he said the safers must secure the sanction of the council and then make a contract. This, he said, applied to the purchase of other supplies.

Saturday Baker ordered Madigan not to pay a bill of \$300 to Maurice Gleichmann. The safers assumed an old contract with Gleichman entered into by a former director of fire to draw plans for a new engine house. This was for \$1000, but the safers divided it into four bills. Authority from the council must be secured before the plans can be paid for.

IS CRAFTS LAW VALID?

City Treasurer Asks the City Solicitor for an Opinion.

City Treasurer Cuffinberry yesterday asked Solicitor Baker for an opinion as to the validity of the Crafts law, passed by the last legislature, requiring all city, county, school and other officials to secure surety company bonds and providing further that the premium for them must be paid by the city or county.

The bonds of the city and school officials are now expiring and must be renewed. Some officials have already had them renewed and the city has paid the premium.

Mr. Baker has been informed that in Franklin county the law has been declared invalid. Other courts have upheld it. He will examine it for the benefit of the local officials.

Gesangverein Banquet.

The second day's celebration of the Cleveland Gesangverein jubilee took the form of a banquet and ball Monday night. At the banquet speeches were made by Dr. S. Wolfenstein, Mayor Tom, C. A. Mueller, Judge G. B. Solders, Emil Ring and Newton D. Baker.

Toaste.

Sei gegrüsst, geehrter Gast!
Lass in diesen heitern Hallen
Dir's so lange wohlgefallen,
Als Du Lust und Laune hast!

Dr. S. Wolfenstein

Tom L. Johnson

C. A. Mueller

Judge G. B. Solders

Emil Ring

Newton D. Baker

Richter Solbers, der die nächste Rede hielt, stimmte einen Panegyrikus auf den Frauenbund des Gesangvereins an und traf dabei den Ton, der im Herzen Aller widerhallte. Dann kam Stadtmann Newton D. Baker und pries die Deutschen für ihr Eintreten für persönliche und politische Freiheit und für rationellen Lebensgenuss. „Der Freiheit eine Gasse!“ das sei der Wahlspruch der Deutschen, wo immer hin sie kämen.

Ask for a Big Fee.

Attys. Henry DuLaurence and Frank Ewing asked in circuit court Monday that they be given a fee of \$1100 for their services on behalf of the property owners in the injunction case to restrain the library board from awarding the contract for the Broadway branch library.

City Solicitor Baker said that Du Laurence had spent 20 minutes in common pleas court. He also said that both DuLaurence and Ewing represented private parties and that they should look to them for compensation. The judges took the matter under advisement.

LOW FARE CASE IS ON.

Denison Avenue Injunction Suit Taken Up on Appeal.

The low fare injunction case which Judge Lawrence in common pleas court decided in favor of the low fare line in the April term of court was started all over again in circuit court yesterday. Attorney C. W. Collier represents the plaintiff, A. J. Day, who is a property owner on the Denison avenue right of way. Judge E. J. Blandin and F. H. Gian are acting as counsel with City Solicitor Baker for the 3-cent fare company.

The morning was consumed in the reading of the voluminous records of the former trial. The present hearing is simply a review of that trial, and the fate of 3-cent fare depends upon the question of consents of property owners.

GESANGVEREIN'S JUBILEE.

Celebration Tonight and Tomorrow
Will Long be Remembered by
the Participants.

There will be a world of good fellowship at all the functions that are provided for the jubilee celebration of the Cleveland Gesangverein in honor of its fiftieth anniversary.

The program opens with a grand concert at Gesangverein hall this evening, in which the orchestra, choruses and soloists will take part.

Monday evening there will be a banquet and ball. At the banquet the speakers in German will be Dr. S. Wolfenstein, C. A. Mueller and Emil Ring. The English speakers will be Mayor Tom L. Johnson, Newton D. Baker, Judge George B. Solders. Other guests who have promised to attend are Congressman T. E. Burton, Congressman J. A. Beidler, J. P. Madigan, Charles W. Lapp, Rev. H. B. Cooley, Daniel E. Leslie and Gov. Myron T. Herrick.

Tuesday evening the jubilee will close with a "commers," where the good fellowship will have ample chance for full development.

REMOVE CRIBS ITSELF.

City to Do Work by Day Labor if
the New Code
Permits.

The board of public service has determined to attempt to remove the old waterworks tunnel cribs out in the lake by day labor instead of giving the work to contractors. To this end the council will be asked to pass the necessary legislation, and after this is done the matter will be taken through the courts so that some clouded points in the new municipal code may be definitely cleared up. There is considerable doubt as to whether or not the city can do the work.

Several months ago bids for the removal of the cribs were secured by the city. The Standard Contracting Co. offered to do the work at the lowest price. When the company was asked how it proposed to remove the cribs it promptly responded that dynamite was to be employed.

Waterworks officials fear the danger of dynamite on the new tunnel, and for this reason don't want the work done in that manner. They also believe that the work can be done by day labor just as cheaply as contractors offer to do it. This decision formed. City Solicitor Baker was appealed to for an opinion as to the rights of the city for doing so large a piece of work by day labor.

Baker, in a letter to President Springborn of the board of public service yesterday admits that he is unable to determine the line of distinction between the two classes of work and proposes as a remedy that an ordinance be prepared and introduced to transfer funds in the waterworks appropriation item for the destruction of the cribs to the day labor account, stating in the application that the object and purposes is the destruction by day labor of the cribs. He will then submit the matter to the common pleas and circuit courts to get judgment, so that the real line of distinction may be determined between the two classes of work.

Political Meetings Tonight. DEMOCRATIC.

Tent meeting, Central avenue and Linsenden street—Speakers: Tom L. Johnson, Newton D. Baker, Harris R. Cooley, Harry F. Payer, Frank Wachalec. Stereopticon views.

EAST END THE STORM CENTER

Political Activities Revolved
Around Two Big Tent
Meetings.

Mayor Johnson and Solicitor
Baker Talked on Bribery
Charges.

The so-called Republican East End was the political storm center of both parties last night with two big tent meetings. The Democratic canvas was pitched at the corner of East Madison and Wade Park avenues in the heart of the twenty-fifth ward, the heaviest Republican ward in the city. The Republican canvas was spread at the corner of Woodland avenue and Linden street, where an enthusiastic crowd greeted Congressman Burton, Marvin B. Putney and E. M. Baker.

National questions were put in the background and local issues occupied the time of the speakers at the Democratic meeting. Mayor Johnson made a caustic arraignment of the men managing the affairs of the Republican party in this county. Commencing with the national government the mayor described the sources and causes of corruption down through legislatures into the state.

"The control of the taxing power of the county can be turned into one of the greatest possible sources of corruption," said the mayor. "This is so because it can be made perpetual and continuing corruption. It is for this reason that the people of this county should use the utmost precaution in selecting the officials who will direct the taxing power."

The mayor passed on to a review of the grand jury investigation into the charges of bribery at the Republican convention. In this review Mayor Johnson compared the career of Prosecutor Harvey Keeler with the career of Circuit Attorney Joseph Folk of St. Louis, much to the disadvantage of Keeler.

Although Newton D. Baker did not arrive at the tent until long after 10 o'clock, there was an insistent demand that he talk.

Mr. Baker went into the grand jury investigation briefly. In the first place, Mr. Baker stated that Hy Davis, chairman of the Republican committee, was as much responsible for the bringing of the investigation as any one man. "The letters of Davis unfortunately expressed from the Republican and Davis standpoint had much to do with bringing the convention," said Mr. Baker.

"The people will testify as to whether the taint of graft rests upon that convention. Handled as it has been, it is hardly a matter for political discussion."

A feature of the meeting was the appearance of R. K. Beach, Democratic candidate for the council. Mr. Beach made his maiden political speech and won the plaudits of the crowd. He made the contention that as far as the people are concerned the Democratic county candidates "are infinitely preferable to the Republican candidates."

CITY OFFICIALS TO ACT AS WITNESSES.

MAYOR TOM AND OTHER PROMINENT DEMOCRATS TO SERVE IN DOWN-TOWN PRECINCTS.

Mayor Tom, City Solicitor Baker, Chas. Lapp, president of the council, and other city officials and prominent Democrats will serve as election witnesses in the booths of the ninth ward.

Their appointments were made by the Board of Elections at the request of the Democratic committee, made in view of allegations of irregular registration in the downtown ward.

The list includes Safer Excell, Assistant Solicitor Estep, City Clerk Peter Witt and Chas. Carran, deputy county auditor. Excell and Estep are candidates for common pleas judge.

The sanitation committee is composed of Dr. W. T. Howard, N. D. Baker, C. O. Dewstoe, Jacob Furth, B. W. Holliday, J. Richey Horner, Thomas L. Johnson, W. O. Osborn, H. G. Sherman and G. K. Shurtleff.

"The Postal Laws of the United States as Related to the Business Interests" will form the topic of an address by Charles W. Burrows, supplemented by remarks by A. T. Anderson.

It is expected that there will be a large attendance at the meeting to be held Tuesday evening and members are at liberty to bring nonmembers to the meeting.

NO REWARD FOR EISENMANN.

SOLICITOR SAYS COUNCIL CANNOT GIVE HIM \$10,000.

The attempt to secure an appropriation of \$10,000 to remunerate Architect Eisenmann for his work on the building code has failed.

Wednesday City Solicitor Baker said the council could not appropriate the money, as there was no fund from which it could be taken legally. Councilman Weitz said the committee would make an adverse report.

Political Meetings Tonight. DEMOCRATIC.

Tent meeting, corner of East Madison and Wade Park avenues—Speakers: Tom L. Johnson, Newton D. Baker, J. V. McGorray, R. C. Wright and Democratic candidates.

Bohemian National hall, Broadway and Mead street—Speakers: Tom L. Johnson, Newton D. Baker, Harry F. Payer, W. J. Springborn, D. J. Zinner, George Palda, John Vevera.

Star Turn hall, No. 78 Kentworth street—Speakers: Tom L. Johnson, Newton D. Baker, Harris R. Cooley, George Palda, Joseph Saltsman, Dan Pfahl, Charles W. Lapp, George R. McKay, W. P. Kelly, chairman.

Political Meetings Tonight. DEMOCRATIC.

Tent meeting, Pearl and Willowdale streets—Speakers: Mayor Tom L. Johnson, Newton D. Baker, J. V. McGorray, R. C. Wright and Democratic candidates.

Socialer Turn hall, No. 852 Lorain street—Speakers: Tom L. Johnson, Newton D. Baker, W. C. Polner, Aaron Hahn, Gus A. Weitz, Dr. F. W. Walz, Simon Hickler, Charles W. Lapp and candidates.

Political Meetings Tonight. DEMOCRATIC.

Tent meeting, Lake avenue and Detroit street—Speakers: Tom L. Johnson, Newton D. Baker, W. J. Springborn, Fred C. Howe, George Palda, Martin Koster, Charles W. Lapp, Stereopticon views.

Kenmore club, No. 116 Brownell street—Speakers: Tom L. Johnson, Newton D. Baker, Harris R. Cooley, P. L. Lieghley, Robert C. Wright, J. V. McGorray, John Vevera, Dr. T. A. Burke.

Political Meetings Tonight. DEMOCRATIC.

Tent meeting, Woodland avenue and Linden street—Speakers: Mayor Tom L. Johnson, Newton D. Baker, W. J. Springborn, R. C. Wright, J. V. McGorray and Democratic candidates.

Political Meetings Tonight. DEMOCRATIC.

Tent meeting, Haymarket—Speakers: Tom L. Johnson, Newton D. Baker, Aaron Hahn, George Palda, John Sulzmann and S. V. McMahon.

MORE MONEY TO CLEAN STREETS

Business Men Will Probably Try to Get a Larger Appropriation.

Other Cities Spend Much More Than Ohio's Largest Municipality.

Street cleaning and school sanitation in Cleveland will be the subject of what promise to be very interesting reports by the municipal sanitation committee at the regular monthly meeting of the Chamber of Commerce to be held Tuesday evening.

The committee has been at work for some time securing statistics from other cities in regard to the amount that is spent for street cleaning. It has been ascertained that the amount used is much in excess of that spent in Cleveland. It is likely that an effort will be made to secure larger appropriations for the cleaning of the streets. The committee has also considered the different methods of street cleaning, such as flushing and dry sweeping and their effects upon public health.

The municipal sanitation committee has accomplished good work in its suggestions to the authorities as to laws looking to the better protection of health. The committee has continued in its work for improving the sanitary conditions of the schools. Some of the unhealthful conditions found by the committee have been removed and further improvements are contemplated.

BROWN MAY GET SECOND VACANCY

Council Likely to Be Asked to Assign Him to Bauder's Court.

The council may be asked to designate Justice-elect John Brown to fill one of the vacancies in the city justice courts. A resolution is already in the council, assigning one of the vacancies to Justice-elect Morrow. City Solicitor Baker, to whom it was referred, has not decided whether the council has power to select from the four justices-elect two to fill the vacancies.

The office formerly held by Morrow has been vacant since he retired last spring on an opinion from Baker that his term had expired. Justice Bauder's retirement last week left the other vacancy.

"Some of my friends expect to ask the council to name me to fill the vacancy left by Justice Bauder," said Brown Wednesday. "I have no objection, but I think there's no doubt Justice Morrow ought to be named to succeed himself."

Justices Reilly and Cummings expect to remain in office until their three-year terms expire in April.

NO NEED TO REDISTRICT.

Annexation Won't Require Changes for Legislative Purposes.

City Solicitor Baker, in an informal opinion yesterday morning, expressed the belief that the annexation of Glenville and South Brooklyn would not require the redistricting of the city for legislative purposes.

"The code provides that when territory is annexed with enough population to provide a new district or councilman that such redistricting shall be made," said Baker. "I do not believe that Glenville and South Brooklyn contain enough people to require any change in the present condition of affairs."

The new territory will likely be added to contiguous wards in the East End and South Side.

MAY MEAN END OF MANY SIGNS

New Code Thought to Force Off a Number That Line Boulevards.

City Solicitor Baker to be Asked for Opinion on the Law Today.

City Solicitor Baker will be called upon this morning to determine just what legal rights the city has in the enforcement of a section of the new building code dealing with the location of billboards near park and boulevard property. A section of the code provides that no billboard can be placed within 200 feet of such property or any street near the described property.

At the request of Member Leslie of the board of public service, Park Engineer Stinchcomb has just completed a detailed investigation of the billboard matter. Stinchcomb has prepared maps and plans indicating that a score or more of billboards along the East End boulevard system are located within the prescribed territory.

Leslie and Stinchcomb endeavored to take the question up with Baker yesterday, but he was busy in court.

"I want him to define our rights and if we have the power all those boards shall be taken down," said Leslie.

"As I interpret the code," said Stinchcomb, "no billboard can remain within 200 feet of park property or streets adjacent thereto. I have just completed a measurement of the land between the upper boulevard and Doan street and extending from Superior street to Wade park and I find that in only one spot is the strip wider than 400 feet. If the clause of the code relating to park property is good, I think the city can cause the removal of the boards."

"There is no question but that the boards are a nuisance," again said Leslie, after Stinchcomb had explained his measurements. "I failed in an effort to cause their removal last spring, before the code was passed. The plan of placing screens with vines over them was then discussed, but that seems impracticable. The new code now seems to offer a remedy."

SPRINGBORN GOT INTO J. P. FIGHT.

And Then Got Out Again, at the Advice of City Solicitor Baker.

Doors of a Courtroom Were Nailed Up to Exclude a Crowd.

The justice court tangle may be the subject of considerable councilmanic debate at Monday evening's session of the city council. Disputes galore have arisen over the question of succession to office of the newly elected men and they grew to such an extent yesterday that President Springborn of the board of public service and City Solicitor Baker became involved.

The question was presented to the council last week when Councilman Hitchens introduced a resolution asking that Justice-elect Morrow be designated to succeed to the books, papers, etc., used by him when he was formerly in office.

City Solicitor Baker Friday in reply to the resolution said that the council could not designate the term for which the new justices were elected, that the party committee had designated Messrs. Green and Nellis as the men to take office in November and Messrs. Brown and Morrow in April. Consequently, according to Baker's decision, Nellis and Green would take the courts in which there are vacancies, those formerly occupied by Morrow and Bauder. The council may determine to act despite the decision.

Yesterday, however, acting upon Baker's decision and with the intention of assuming office Tuesday morning, Nellis visited the city hall with the end in view of selecting the room he desired. He chose that in which Justice Bauder's records are located, and which that official formerly occupied.

Upon examining the room, Nellis found it open to the public, crowded with men and apparently in charge of a constable. He also found, he claims, that articles of furniture, records, etc., were being stolen from the office.

These facts he reported to President Springborn of the board of public service. Springborn promptly ordered the janitor, Nicholas Schied, to take possession and lock the rooms up. Schied ordered the men out, but at this point Constables Schaufele and Monaghan interfered. They refused to turn over to the janitor the keys to the room or to leave it. Schied reported to Springborn.

"Throw them out," was the order given the janitor.

"They are big men and it may be a hard job," was the reply.

"Take enough men with you to enforce your order."

Schied did so and the constables then left the room, but refused to turn over the keys. Schied thereupon proceeded to nail up the doors.

Meantime the constables went to Springborn. They said they wanted access to the books so as to be able to get their cost bills out when the cases were settled.

Springborn said that if the city was being robbed he thought it best to nail up records until such time as some one could take charge of them and refused to rescind his order.

City Solicitor Baker was next appealed to and Baker held with the constables, declaring that the matter was none of Springborn's business.

"Those records are in the charge of Justice Ginley," decided Baker, "and he is responsible for them. His bond can be held for the loss of any furniture or records."

Elated with victory the constables returned to the room and tore open the doors, Ginley making no effort to stop it.

DECISION IN A FEW DAYS

Solicitor Baker Argues Contract for New City Hall is Legal.

Tells Court Officials Had a Right to Employ an Architect.

The suit to enjoin the performance of the new city hall contract was placed on trial in Judge Phillips' court yesterday morning. City Solicitor Baker argued in defense of the disputed contract with Architect J. Milton Dyer. Attorney G. A. Groot contended that it was illegal.

The contract is attacked on two grounds. The first of these is that the city hall commission, as perpetuated in office by a curative clause in the new municipal code, is an unconstitutional body, and as such had no right to enter into the contract. The other ground is that the city hall contract was not let properly by competitive bidding.

"We concede that the curative clause in question is unconstitutional," said Solicitor Baker, regarding the first cause of action in the plaintiff's petition. "But the city hall commission is not existing by virtue of that part of the code. Nor was the city hall contract let under it. A separate section in the code, and this section is perfectly constitutional, empowers the board of public service to appoint five citizens as a city hall commission and to employ them to supervise the erection of the city hall, under the direction of the board of service."

"This contract bears on its face ample proof that this section of the code, by the terms of which the contract was granted, has been fully complied with. In other words, the city hall commission, employed and directed by the board of public service for that purpose, entered into a perfectly valid contract with Architect Dyer."

The case was heard and submitted yesterday. It will be decided within the next few days.

DECLINES TO BRING SUIT.

Solicitor Baker Refuses to Attack City Hall Commission.

City Solicitor Baker yesterday decided to refuse the request of J. H. Thomas that injunction proceedings be brought against the city hall commission. Thomas made his request several days ago.

Baker, in refusing to do as requested, said he did so because he believes the body is a legally constituted one and that there is already pending a case that will settle the question involved in Thomas' request.

BAKER LIKES PRESENT PLAN

Police Prosecutors' Office Doing Effective Work, He Believes.

Mentions "Sunrise Courts" as One of Most Notable Reforms.

City Solicitor Baker yesterday afternoon expressed himself as generally satisfied, in discussing the workings of the municipal code in its dealings with his office, but more particularly that section which placed the police prosecutor's office under his jurisdiction. The question had been asked as to the operation of the plan, which has now been in force a year and a half.

"In my judgment the consolidation of my office and that of the police prosecutor has proved an effective arrangement. Perhaps no part of the city's complicated and extensive business is more important or more delicate than the prosecution of the delinquent and unfortunate classes before its police magistrates.

"Two police courts are in daily session, dealing with arrests averaging perhaps 200 a day. The offenses charged vary from simple cases of intoxication, for which the offenders are arrested either to prevent disturbance or as a protection to the defendant against his own inability to take care of himself, to the preliminary hearings of persons charged with the gravest infractions of the laws of the state.

"The persons with whom the police prosecutor has to deal, aggregating in all perhaps 30,000 persons annually arrested, and at least an equal number of persons for whose arrests no warrant is ever issued, include the young and old, the corrigible and incorrigible, the unfortunate and the vicious. The exercise of sound discrimination against the indiscriminate arrest and imprisonment of all violators of more or less petty, though necessary legal restrictions, is daily required, while vigilance is always necessary to secure the enforcement of the law and to bring about that respect for the rights and property of other people without which no organized society can exist in peace and safety.

"Through the co-operation of the judges of the police court, and the officers of the police department, my assistants in the prosecutor's office have been able, I believe, to install several substantial and beneficial reforms in its administration, the most notable of these being the so-called 'sunrise' court, by which the persons arrested for intoxication, and having no previous criminal record, are permitted to sign waivers of their right to be present when tried, coupled with the pleas of guilty, and, upon being sufficiently restored to be able to take care of themselves, to be released by the officers in charge of the several precinct stations, thus enabling the defendants to return to their places of employment without the humiliation of arraignment in the police court and association with the more or less hardened offenders.

"These waivers and pleas are presented regularly each morning in the police court, and, in the absence of any charge by the police officers of aggravating circumstances, the defendants are uniformly discharged.

"By this plan the self-respect of first offenders is so far saved that it affords a stimulus for better conduct, and the actual number of persons to be dealt with in police court is so reduced that more time is afforded for the examination of cases requiring more attention and care."

FOR GOVERNOR OR FOR MAYOR

Tom L. Johnson Announces He Will Seek One Office or Other Next Fall.

If He is State Candidate Baker is to Run for Mayoralty.

"I shall be a candidate either for mayor or governor next fall," said Mayor Tom L. Johnson yesterday. "I shall probably run for mayor."

With that announcement Mayor Johnson settled much speculation in political circles as to what his probable future political course would be, although he has not yet fully determined which office he will seek of Democracy almost a year hence. Many of the mayor's friends are strongly advising him to again become the standard bearer of the party in the state. On the other hand there are just as many urging him to give his undivided attention to Cleveland and Cuyahoga county. Between them Mr. Johnson has not yet decided.

A final decision will not be reached for many months yet, and in that time a great deal may happen. Mayor Johnson has the governorship bee buzzing in his bonnet just as strongly as it was two years ago. Conditions are also looked upon by him as being much more propitious. There is internal dissension in the ranks of the Republican party. Then, too, Gov. Herrick, so the Democrats believe, has been greatly weakened, politically, by reason of his attitude on the Brannock bill. Added to this is the fact that no national issues will be involved in next year's campaign as there were in that of last year and this.

The legislature will not be called upon to elect a United States senator. But, of even greater significance than all this, is the fact that the Republican party will not have a Marcus A. Hanna to lead it to victory.

After his great defeat last year the mayor, the very next day, announced that he would renew his battle immediately. He said he would probably make a try when national issues were not involved, and when the legislature, which is elected every time a governor runs, will not be called upon to elect a United States senator.

"The time will come next year," is the word of the mayor's friends, who are asking him to be the gubernatorial candidate.

"But can the mayor again get the nomination at the hands of the Democratic party?" is the question that many ask when Mr. Johnson is discussed for the governorship.

The confident response of his friends is that Mayor Johnson is still the strongest Democrat in all Ohio, and that he can win the nomination with ease.

W. S. Thomas of Springfield is the only other Democrat so far put forward by the party leaders. Thomas is a McLean man, although he was one of the few of that faction who did not break with Mayor Johnson a year ago. On the other hand he stood with the mayor and, despite his affiliation with McLean was considered a friend to the mayor. Thomas, however, is looked upon as a weak candidate. That is another reason why the mayor is seriously considering the question of becoming a candidate for governor.

In the event that Mr. Johnson does become the gubernatorial standard bearer of the party in the state Newton D. Baker, city solicitor, and W. J. Springborn, member of the board of public service, are the men who will be considered as the standard bearer in the city.

Baker for mayor and Springborn for his old position would likely be the program, in the event that Mr. Johnson were a candidate for governor.

Baker is looked upon as even a stronger man than Johnson in Cleveland. He ran ahead of the mayor the last time both were candidates for office. Springborn, too, is a man who has shown strength equal to that of the mayor. His career in office since then, so the Democrats think, has served greatly to strengthen him.

At any rate Democracy's program for next fall is Mayor Johnson for governor or mayor, and, in the event of the former, Newton D. Baker for mayor with W. J. Springborn as head of the public service board.

HORSES ARE INJURED.

Bernstein Wants Autos Equipped so as to Prevent Greasing of the Tracks.

The council last night passed a resolution introduced by "Czar" Bernstein, requesting and instructing the city solicitor to prepare an amendment to the automobile ordinance, compelling owners of automobiles to equip their machines with an apron or other suitable device for catching oil and grease.

The purpose of the resolution is to secure an amendment to the ordinance compelling auto owners to so equip their machines that oil will not fall on the pavements, thereby endangering horses.

The Humane society some time ago complained that the falling grease caused horses to slip on the streets. Some have been seriously injured.

Solicitor Baker yesterday reported adversely on an ordinance by Maulberger, amending the present automobile ordinance. Mr. Baker's adverse report was caused by the fact that it fixed the speed limit within the city at seven miles an hour, whereas the state law fixes this limit at eight miles.

GOOD CAR SERVICE.

Baker is Asked to See if New Franchise Protects the Public.

City Solicitor Baker was called upon by the city council, last night to determine whether or not the clause relating to good service by the street railway company in the Walker seven-tickets-for-a-quarter ordinance is sufficient to secure such service and if not he was instructed to substitute an amendment properly safeguarding the city's interests.

Baker's attention was called to the matter through a resolution introduced by Councilman Walker, author of the street railway ordinance.

LIMIT NUMBER OF PASSENGERS

Health Board to Take Action to Prevent Crowded Street Cars.

Resolution Now Prepared Will Likely be Made Part of New Code.

The board of health has determined to act on the crowded street car question. The board will act as a result of the unanimity of opinion concerning this question that developed at the meeting of the street railroad committee of the city council last week. Opinions differed as to rates of fare, but on the subject of poor service all speakers agreed.

I was much surprised by what I heard," said President P. W. Ward of the health board yesterday, "and I believe that our board should take some action in the matter. Its action ought to be permanent in nature and since we still have under consideration the new health code I shall incorporate my ideas in it.

"These will be presented to the board, and I have no doubt but that the resolution on the subject will be adopted and incorporated in the code.

"I have talked with President Andrews of the railway company on the subject, and even he agrees that something should be done."

Ward asked City Solicitor Baker to prepare a resolution on the subject and Mr. Baker has sent to the board of health president the following:

"Whereas, an unsanitary condition is created by the overcrowding of street cars and a dangerous menace to the public health is brought about by the lack of ventilation incident to such overcrowding,

"Now, therefore, be it resolved by the board of health of the city of Cleveland, that for the preservation of the public health, the prevention and restriction of disease and the abatement and suppression of nuisances, it is deemed necessary that the following regulation be and is hereby established:

"1. No street car operated within the city limits of the city of Cleveland shall at any time have on board, as passengers inside the car, more persons than can be seated upon all the seats of said car, and half as many again standing in the aisle or aisles thereof.

"2. The foregoing resolution shall not apply to persons standing upon the back platform of such car.

"3. The company or companies owning and operating street cars in the city of Cleveland shall post in a conspicuous place in each car the number of persons permitted therein, in conformity with this regulation, and take such measures as shall be necessary to enforce the regulation hereby established, and each car containing more than the number of persons herein allowed shall constitute a violation of this regulation.

"4. The city solicitor is hereby directed to enforce the penalties provided by sections 2119 and 2120 of the revised statutes for each and every violation of the regulation hereby established.

"5. The conductor of each street car operated in the city of Cleveland shall enforce the regulation hereby made, and the failure on the part of any such conductor so to enforce this regulation shall be and constitute a violation thereof by him, and shall be, upon conviction thereof, subject to the penalties provided by section 2119 of the revised statutes.

"6. This regulation shall be advertised, recorded and certified as are the ordinances of the city of Cleveland."

Sections of the state laws referred to in the resolution deal with violations of any orders, rules or regulations fixed by the board of health. Section 2119 provides a fine not exceeding \$100 or imprisonment for any time not exceeding ninety days or both.

The next section provides specifically for violation of regulations by a corporation. It is as follows:

"If such violation, obstruction, interference or omission," meaning the orders of the health board, "be by a corporation, it shall forfeit and pay to the proper city, village, hamlet or township, any sum not exceeding \$300, to be collected in a civil action brought in the name of the city, village, hamlet or township;" and any officer of such corporation having authority over the matter, and permitting such violation, shall be subject to fine or imprisonment, or both as heretofore provided. The judgment herein authorized being in the nature of a penalty, or exemplary damage, no proof of actual damages shall be required, but the court or jury, finding other facts to justify recovery, shall determine the amount by reference to all the facts, culpatory or extenuating, adduced upon the trial."

SPECIAL SCHOOL FOR DEFECTIVES

Petition Asking That Some Action be Taken Presented to Board.

Resolution to Extend Term of Supt. Moulton to Aug. 31, 1905.

At the meeting of the school board last evening the matter of providing schooling for children of defective mental capacity was brought up by a petition signed by a number of people who are interested.

Jesse V. Dailey presented arguments in favor of such a step and read a statement in which he said he had made a canvass of the city and had found many children who needed such schools. He said that from what he had learned from school authorities there are about ninety children of such character now attending the public schools.

The petition presented to the board said that at present there was no special provision for the education of these children. The petition stated that the number of children requiring such special facilities is sufficient to justify the establishment of a limited number of rooms for them.

Mr. Dailey said that such schools could be established as an opinion had been received from Solicitor Baker on the subject.

MUST WAIT TILL SPRING.

Council Has No Right to Designate Term of Justice Morrow, Baker Says.

City Solicitor Baker yesterday decided that the city council had no authority to designate the terms for which the justices of the peace elected last week should serve. Baker's opinion is the result of a resolution introduced into the council last Monday evening by Councilman Hitchens asking that Justice-elect Morrow be granted the privilege of using the records he had when formerly in office.

He asserts that Green and Nellis were elected to take office in November, this year, and that Brown and Morrow were elected for the terms beginning in April, 1905. He further says, however, that Morrow was nominated by the convention first and that if he had insisted upon it he could probably have had first place on the ticket and been elected for the term beginning immediately. He didn't insist on this, however, and it is too late to make such a demand.

Concluding he finds that the council has power to designate between Green and Nellis, as to whose books they shall use and whom they may succeed, but that it has no power to determine in Morrow's case. According to Baker's decision therefore Nellis and Green are the men who will succeed to the records of Morrow and Bauder and Brown and Morrow will have to succeed to the rooms and records of the justices who retire from office in April. They are Cummings and Reilly.

ASKS BAKER TO SUGGEST AMENDMENT

Walker Willing That His Franchise Ordinance Be Changed.

Councilman Walker introduced a resolution Monday night with the object of securing to the people proper assurance of good service should his street railway franchise ordinance pass.

The resolution instructed City Solicitor Baker to report to the council next Monday night whether he deemed that the rights of the people as to service were safeguarded in the ordinance and, if not, to report the necessary amendments.

CAN'T DO IT, SAYS BAKER.

Council Has No Power to Increase Salaries of Members While in Office.

City Solicitor Baker yesterday reported adversely on the Behm ordinance raising the salaries of members of the city council from \$690 to \$1,200 a year.

Baker's adverse report was made by reason of the fact that the ordinance attempts to raise the salaries of all the members immediately, whereas the state law prevents salary increases for men already in office.

An ordinance of this kind can only raise the salaries of men not yet in office.

MAYOR'S FRIENDS ARE NOT AGREED

Many Hold That Johnson
Ought to Run for
Governor.

Equal Number Advise Him to
Seek Third Term as
Mayor.

"Discussion of the question at this time is premature," said County Clerk Salen yesterday, speaking of Mayor Johnson's announcement that he would be a candidate for mayor or governor in 1905.

Salen indicated that in his opinion Mr. Johnson ought to be a candidate for mayor rather than governor, although he refrained from any direct statement on the subject.

Mr. Johnson's announcement caused quite a furore in political circles and he was visited by scores of political friends yesterday, who desired to offer a word of advice as to his position. Opinion seemed pretty evenly divided as to which office he should seek.

"Two years ago I was opposed to your seeking the gubernatorial nomination," said one prominent Democrat. "I think you made a mistake then. Now there is a change. In view of the fact that you ran then I think you are the logical candidate for the place now. You should secure the nomination and I believe you would make a great race. In fact I think you would stand an excellent chance of election."

There were other men who importuned him just as strongly to refuse to make the race for governor and to become a candidate for mayor for a third term. City employes were particularly strong in their expressions of opinion on the subject. All are almost unanimous in the opinion that he should again accept the nomination for mayor.

Newton D. Baker, who has been suggested as the mayoralty candidate in the event that Mr. Johnson stands for governor, refused to discuss his possible candidacy yesterday.

"I am for Mr. Johnson for mayor," he asserted.

CLERK IS SUPREME.

No One Has Right to Examine Books
of School Board Under
New Law.

City Solicitor Baker yesterday ruled that the newly appointed school examiners have no legal standing and that, therefore, they have no right to examine the books of the board of education. The question was raised by reason of the refusal of Clerk Myers to permit the examiners to audit the books.

Baker says that the statute under which the examiners formerly acted had been repealed. The new school code took the auditing of the school accounts out of the hands of the city auditor, and in that way repealed the authority of the examiners. At present the books are kept by the clerk and no one has the right of examining them.

NO EXAMINATION OF THE BOOKS.

BY DECISION OF SOLICITOR BAKER NO ONE HAS A RIGHT
TO LOOK INTO RECORDS OF SCHOOL BOARD.

Solicitor Baker ruled Wednesday that the city school examiners have no legal standing, and consequently no right to examine the books of the School Board.

The two examiners went to the Board of Education rooms Monday to audit the books. Their right to do so was denied by Clerk Myers, who said they had no authority to act.

The examiners appealed to Baker. He said the statute upon which they drew their authority to act had been repealed. It was an old law providing for examiners to go over the books of the auditor, he said.

The last legislature, how-

ever, took the auditing of the books from the hands of the city auditor, by which same act, Baker decided, the authority of the examiners was annulled. At present there is no auditor of school accounts and consequently no books to examine. The clerk of the board keeps his own books, but by the decision no one has the right officially to investigate the books of the board.

BAKER FAVORS MORAL SUASION

Solicitor Hopes to Solve Bill-
board Problems Without
Litigation.

Ready to Fight in the Courts
if Necessary, Never-
theless.

Moral suasion rather than an effort strictly to enforce the ordinances of the city relative to billboards is to be the policy of the city in dealing with this nuisance, if the advice of City Solicitor Baker is followed.

A week ago Member Leslie of the board of public service asked Baker for an opinion relative to the legality of the building code in dealing with billboards near park property and boulevards. The code specifically provides that boards must not be erected within 200 feet of a boulevard or street adjacent thereto. Under this section Leslie believed it was possible to cause the removal of all boards near the East End boulevard system.

Baker has had the matter under consideration some time. Speaking of it yesterday he said:

"The courts in a great many states have held that the legislatures have no power to interfere with the private right to use

property as the owner sees fit. The placing of restrictions on billboards upon any other grounds than those of safety or sanitation has been held to be an unconstitutional limitation upon the right of private property.

"The billboard companies here know all about these decisions and rather than raise the question in Ohio they have been gradually bringing themselves into a compliance with the billboard ordinance.

"I hope to be able to work out a practical solution of the question without litigation, but if I can't do it the question of litigation will be taken up and the matter will be fought through the courts."

Building Inspector Dooley is still issuing permits to both the Cleveland companies, but in doing so he is following Baker's advice. No permit is issued unless a plan of the board is filed and all other requirements of the code are lived up to.

Scores of new boards are being erected, however.

CALLED BY THE MAYOR.

Courthouse Plans Were Taken Up
at a Meeting, Johnson Desir-
ing to Save Expense.

The new courthouse plans were discussed by Mayor Johnson and City Solicitor Baker yesterday afternoon at a conference in Baker's office with County Commissioners Mackenzie and Vevera, Architect Theodore Schmitt and Attorney F. A. Quail, representing the architects.

The city and county officials refused to discuss the purpose of the meeting. Mr. Schmitt spoke of it as follows:

"The meeting was at the mayor's request. The courthouse plans with reference to the coming visit of the group plan commission was the subject of the conference. The city has to stand the expenses of a visit by the commission and Mayor Johnson didn't want any unnecessary meetings. He wants to save money for the city."

Mayor Johnson, however, had approved the meeting several days ago.

NO FRANCHISE WILL BE GRANTED

City Hasn't Authority to Give Rights to Cuyahoga Light & Power Co.

Solicitor Baker Says the Question Must Go Before People for Vote.

City Solicitor Baker yesterday decided that the city council had no authority to pass the ordinance granting to the Cuyahoga Light & Power Co. an electric lighting franchise in the city. This ordinance was introduced into the council last Monday night.

"I have made an adverse report on the measure for the reason that it conflicts with sections 2491 and 3551 of the revised statutes, which provide that before an electric light company begins to operate in a city where there is already one company the question must first be submitted to a vote of the people," said Baker.

It is possible that the question will be submitted to the people and that the administration will advocate the granting of such a franchise.

Mayor Johnson was asked a few days ago if the law provided for an election. "I don't know," was his reply at that time. "I wish it did."

WILL LAY TRACKS ON GREAT WALL

Pennsylvania's Present Plan for Abolition of Grade Crossings.

Total Cost Will be by Unofficial Estimate About \$10,000,000.

An ordinance will probably be introduced at a meeting of the city council either Monday night or the next regular council meeting, providing further for the abolition of the grade crossings along the line of the Pennsylvania Co. through the city. At the same time an agreement between the city and the railroad company, concerning the abolishment of the crossings, will be submitted for the approval of the council. The ordinance and agreement are now on the desk of City Solicitor Baker, awaiting his signature, and as soon as the city solicitor approves them they will be sent to the council for action.

WARM FIGHT IN CITY COUNCIL

Administration List of Annexation Commissioners Meets Rival.

Indignation Against Anti-Councilmen in South Brooklyn High.

Councilmanic action on the question of the legal steps to secure the annexation of Glenville and South Brooklyn to the city, led to a rather acrimonious debate in the council chamber last night. Resolutions were passed authorizing the mayor and clerk of council to certify the vote of the city to the two places without developments, but when further steps were taken the fight grew warm.

City Solicitor Baker had prepared and caused to be introduced, in the name of Mr. Kohl, resolutions providing for the appointment of Frederic C. Howe, J. P. Madigan and himself as commissioners to meet like commissioners from both places to fix the terms and conditions of annexation.

The Glenville resolution was presented first. Hardly had it been read when Mr. Dewar presented an amendment, providing for the appointment of a council committee consisting of Messrs. Gunn, Horner and Gibbons to select the commissioners, and asking that they report Dec. 5.

President Lapp asked that business proceed until he had time to decide some parliamentary questions relating to the matter. Baker's resolution for the same commissioners for South Brooklyn followed, and again Dewar had his amendment ready. Councilman Pfahl then aroused the rhetorical war.

City Solicitor Baker took full responsibility for the resolutions he presented, saying that since it was questions principally of financial and legal matters that were concerned, he selected the men named in the resolution.

Kohl then objected to the committee Dewar named for the South Brooklyn annexation. Gunn moved an amendment substituting Kohl for himself and Dewar made it.

President Lapp by this time had decided that Dewar's amendments were not proper and started to refer the originals to committees.

Mr. Horner appealed from the decision of the chair. Gunn seconded the motion, but the appeal was lost and Lapp was sustained. He thereupon referred the Baker resolutions to the committee on legislation.

There was no council meeting in South Brooklyn last night, members Chauncey Brainard and Leonard Fisher together with Mayor F. R. Mathews being the only members of the city administration to appear on the scene. M. W. Nusser, one of the councilmen, has moved from town. Clarence J. Collister, John Williams and George Miller, the other members, were not present for last night's meeting.

Things are at a fever heat in the village over the annexation question and at last night's meeting over 200 citizens were present. As there was no quorum present nothing could take place but the

adjournment of the meeting, the date for the next session being fixed for tomorrow night.

That the 200 citizens present were angry is expressing it mildly, and there was talk of "tar and feathers" and other dire things for a few moments for the missing members of the council. Everyone spoke in favor of annexation and denounced the action of the councilmen who are at present remaining away from the meetings in an attempt to prevent the annexation of South Brooklyn to Cleveland, it is claimed.

Action was begun yesterday against C. J. Collister, a member of the council, charging that he was not eligible to serve owing to have been born in a foreign country. The suit was an ouster proceeding commenced in the circuit court, the complaint alleging that Collister was a native of the Isle of Man, having been born there during a visit of his parents to the island. Collister is said to be one of the anti-annexationists.

COUNCIL CAN'T GIVE FRANCHISE

POPULAR VOTE MUST DECIDE AS TO GRANT FOR NEW LIGHTING COMPANY.

Solicitor Baker decided Saturday that the council has no authority to pass the mysterious franchise ordinance presented last Monday night on behalf of the Cuyahoga Electric Light & Power Co.

His decision is based on sections 2490 and 3551 of the revised statutes.

These provide that no lighting franchise can be granted a company by a council when there is a plant already in the city until after a popular vote has been taken and a majority of the people favor it.

As no vote can be taken before next fall this decision puts a quietus to the hopes of the company.

It is not known what interests are behind the new company, which was incorporated at Columbus Friday.

WANTS THE COURTS TO SAY.

Weitz Questions City's Right to Give Exclusive Right to Streets.

Councilman Weitz yesterday afternoon asked City Solicitor Baker for an opinion as to the legality of the city granting any exclusive rights to a street railway company in the streets. Weitz said that when he laid a sidewalk in front of his property he could not say that certain people and no one else could use it and he didn't see what right the city had to grant exclusive rights in streets.

Baker took the matter under consideration. Weitz wants the question tested in the courts.

FOR NEWLY ELECTED.

Behm Has Substitute Ordinance on Councilmanic Salaries—Much Minor Business.

Many minor matters were either presented to or passed upon by the council at its meeting last night.

The resolution by Mr. Roche, extending the time for the payment of assessments for the paving of Rutland street, was passed over the mayor's veto. The extension is for two years.

An ordinance authorizing the purchase of the American Express Co. property at Hamilton and Wood streets for \$65,000 was introduced by Mr. Robinson.

Councilman Weitz introduced an ordinance providing for an expenditure of \$1,000 for the inspection of the manufacture of the superstructure of the new Jefferson street lift bridge. The inspection will be by experts at the foundry.

Councilman Behm presented a substitute ordinance to his original increasing the salaries of councilmen. The original provided increase for all. City Solicitor Baker said it was illegal and Behm's new measure provides only for newly elected members.

Mr. Horner also presented a substitute for his ordinance increasing the salary of Chief Wallace. There were technical errors in the original.

A resolution authorizing the public service board and committee on parks to select a site for the Kosciuszko monument in Wade park was passed after some humorous episodes.

The ordinance to advertise for bids for electric arc lights was also passed. Bids for the lighting for one year will be received under it.

"LET PEOPLE DECIDE."

Ordinance to be Drawn Authorizing Special Election on Cuyahoga Light & Power Co. Franchise.

The council last night authorized City Solicitor Baker to prepare an ordinance authorizing a special election to submit to the people the question of whether or not the council should grant an electric lighting franchise to the Cuyahoga Light & Power Co. The authorization was made through the adoption of a resolution presented by Mr. Kohl.

City Solicitor Baker decided Saturday that the council had no authority to pass the ordinance granting a franchise to the company. The ordinance asking for it was presented a week ago. Kohl recites the facts named in Baker's opinion and then, through his resolution, asked Baker to take the necessary legal steps to hold a special election.

"I want to force the issue," declared Kohl in presenting his resolution. "Let the people decide the question for themselves."

The resolution was passed without a dissenting vote. When a special election was asked for a year ago for an issuance of bonds the supreme court declared it could not be held. Since a different issue in this case is presented it may be possible that an election of this nature can be legally held.

PUT IT IN THE ORDINANCE.

Best Way to Settle Street Railway Service Question, Baker Says.

City Solicitor Baker last evening gave the council his opinion, as requested, of the clause in the Walker street railway franchise ordinance relating to service. Baker says:

"I am satisfied that in the making of a comprehensive ordinance of this kind it is better to have the regulations which are to be followed incorporated in the body of the ordinance itself, and not included by reference to a number of other ordinances scattered in various places, and of more or less uncertain application."

Baker said that he would endeavor to draw up a section covering the points named at once.

FIFTEEN RELEASED.

Men Accused of Illegal Registration Were Not Held in Police Court.

Fifteen of the men arrested on warrants sworn to on evidence collected by amateur sleuths of the Board of Elections were released from police court Tuesday.

The men were charged with registering illegally. At the time the warrants were sworn to the charge was made that the evidence was got in a careless way. The first day after arrests were made blunders began to come to light. The police prosecutors tried to hold up the warrants, but the board managed to get them into the hands of the police and served.

Since election a few of the 50 men arrested have been indicted by the grand jury and the cases against a good many more have been nolle.

The 15 cases set for hearing Tuesday were nolle without comment.

At the same time Tuesday Chas. Feigel, charged with bribery, was arraigned before Judge Whelan. Feigel, a Republican worker, was charged with giving a man \$1 "to vote a straight ticket."

Solicitor Baker argued for an immediate hearing. Attorneys for Feigel got the case continued.

COUNCIL WANTS A HAND IN ANNEXATION.

Opposition Was Shown to Baker's Resolution Naming a Commission to Fix the Terms.

The first steps toward the formal annexation of Glenville and South Brooklyn were taken in the council Monday night.

Solicitor Baker introduced a resolution naming Fred C. Howe, J. P. Madigan and himself as a commission to meet a commission from the two suburbs to fix terms and conditions of annexation.

Dewar introduced amendments naming Councilmen Gunn, Horner and Gibbons as the committee. President Lapp decided the amendments were not in proper form. The resolutions were referred to the committee on legislation.

STEP TOWARD DAIRY INSPECTOR.

Ordinance to be Prepared for Next Session of Council.

Councilman Harry Bernstein at the council meeting last night took the initiative in the matter of providing a dairy inspector for the city. Bernstein introduced a resolution, which the council passed.

It requests the city solicitor to prepare an ordinance and present it to the next session of the council, providing for a dairy inspector.

TO DISCUSS THREE ORDINANCES.

Two street railway franchise ordinances were introduced into council Monday night; one by Kohl, extending all the grants in the city on a 3-cent fare basis; the other by Behm for a Woodland Hills-av-Doan-st cross-town line.

These two ordinances, together with the Walker seven-ticket-for-a-quarter ordinance, introduced two weeks ago, will be discussed at a public meeting in the city council chamber Tuesday night.

City Solicitor Baker reported to council that the Walker ordinance did not safeguard the interests of the people properly. He will draw up amendments.

FOR INSPECTOR OF DAIRIES.

CITY SOLICITOR ASKED TO PREPARE NECESSARY ORDINANCE.

Steps were taken at the council Monday night to secure the appointment of a dairy inspector. Councilman Bernstein introduced a resolution requesting the city solicitor to draw up and introduce the necessary ordinance next Monday night.

It is expected to pass the ordinance so that an appropriation may be made in the next budget, which goes before the council in January.

LEFT TO VOTE OF PEOPLE.

Councilman Kohl introduced a resolution into council Monday night asking Solicitor Baker to take the necessary legal steps to call a special election to place before the people the question of granting a franchise for a new lighting plant.

An ordinance to grant a franchise to the Cuyahoga Electric Light & Power Co. was introduced a week ago. Baker decided the franchise could not be granted until a vote of the people had been taken.

TELLS CHIEF TO ENFORCE THE CHILD LABOR LAW.

SOLICITOR BAKER WANTS VIOLATIONS REPORTED TO THE POLICE PROSECUTOR FOR ACTION.

Solicitor Baker took action Thursday to enforce the provisions of the labor law relating to employment of children. He called upon Chief of Police Kohler to act.

Gross violations of this law are said to be going on at the present time. Solicitor Baker's attention was called to the matter by the Consumers' League. In his letter to Chief Kohler Baker quotes the law, passed at the last legislature, which is as follows:

"Revised statutes of Ohio, section 2: It shall be the duty of every person employing minors under the age of 18 years to keep a register in which shall be recorded the name, birthplace, age and place of residence of every such minor employed by him. No boy under 16 years of age, and no girl under 18 years of age, shall be employed at any work at night time later than

7 p. m., nor earlier than 6 a. m., and no minor under 18 years of age shall have less than 30 minutes for meal time at noon. Every employer shall post in a conspicuous place in every room where such minors are employed, a printed notice, stating the maximum number of hours required in one week and in each day of the week from such minors; such notices to be approved by the attorney general."

An old statute prohibits the employment in any capacity of children under 14 years of age.

IN HIS LETTER TO THE CHIEF BAKER SAYS: "THE VERY WHOLESOME PROVISIONS OF THIS LAW OUGHT TO BE STRICTLY ENFORCED. I SUGGEST THAT YOUR SUBORDINATE OFFICERS BE INSTRUCTED TO REPORT VIOLATIONS TO THE PROSECUTORS IN POLICE COURT FOR ACTION."

part of the work hours of the day; and every employer shall post in a conspicuous place in every room where such minors are employed a printed notice stating the maximum number of work hours required in one week, and in each day of the week from such minors; such printed notice to be furnished by the chief inspector of workshops and factories, and approved by the Attorney General."

The very wholesome provisions of this law ought to be strictly enforced, and I suggest that the Police Department take such steps as are possible to cause the provisions of the new law to be generally known and understood throughout the city, so that there will be no violations of it, and that your subordinate officers be instructed to report violations to the Prosecutors in the Police Court for action.

Very truly yours,
NEWTON D. BAKER,
 City Solicitor.

COULD NOT BENEFIT.

Councilmen Recently Elected Must Serve at Old Salary, Says Solicitor Baker.

While City Solicitor Baker has not formally decided the question he stated yesterday that it was his opinion that the Behm substitute ordinance, presented to the council Monday night, and which provides for larger salaries for councilmen, cannot raise the salaries of the men elected last month and who take office in January.

The matter has been the subject of much discussion. Lawyers declare that upon their election the councilmen entered into a contract with the people to do their work for a certain salary per year and that regardless of the time at which their term begins their salary cannot either be increased or decreased after their election. Behm's ordinance therefore would only affect men who will be elected to the council next fall, providing the present body passes it.

UPSETS THE PLAN OF REPUBLICANS

Present Council Can Pass Appropriation Ordinance for Next Year.

Important Decision of City Solicitor Was Rendered Yesterday.

City Solicitor Baker in an opinion to Auditor Madigan yesterday decided that the present council has the power to pass the appropriation ordinance for the first half of the year 1905.

The question is extremely important by reason of the fact that the new council, which takes office Jan. 1, will be evenly divided between Democrats and Republicans, with the balance of power in the hands of men unfavorable to the administration of Mayor Johnson. The Republicans had already considered the matter and the question of seriously crippling the administration by refusing to allow certain appropriations had been discussed.

"The thing for us to do," said C. S. Horner, one of the Republican leaders, a few days ago, "is to simply vote appropriations enough for the pay rolls. Then, when the administration wants to make an expenditure of any kind, it must come direct to the council with the request for funds."

Baker's opinion, however, changes all this. It gives the administration the upper hand.

Heretofore these ordinances have been passed only in January and July. Under these conditions the city finances have been, at the end of each appropriation period, tied up until such time as the council saw fit to pass the new ordinance. This will be changed under the new conditions, if Mr. Baker's advice is followed.

After Baker's opinion was announced yesterday morning word was sent all department heads to hurry their estimates of next year's expense along. These will all be in next week and the ordinance with the estimated needs of all departments can be submitted to the council on Dec. 12. This would make its passage possible on Dec. 26, the date on which the present body holds its last meeting. It is possible, however, that the ordinance will be introduced in blank form Monday night.

The opinion of the city solicitor concerning the much mooted question is as follows:

"I have given section 43 of the municipal code a very careful examination with a view to determining whether or not the council can lawfully pass the semi-annual appropriation ordinances in the months of December and June instead of waiting until the months of January and July.

"The difficulty, as you know better than anybody else, has heretofore been that these semi-annual appropriation ordinances have not been passed until the months of January and July, the fiscal half years closing on the 31st day of December and the 30th day of June. There was thus a gap of three or four weeks during which the city was disabled

Daily Bulletin.

**DEPARTMENT OF POLICE.
 CLEVELAND, O., December 1, '04.**

Office of the Chief of Police,)
 Cleveland, Ohio, December 1, 1904.)
GENERAL ORDER NO. 39.

I desire to call your attention to a letter from Newton D. Baker, City Solicitor, also copy of a law regulating the employment of minors, which you will see is strictly enforced. If any violations are found, you will consult the Police Prosecutors, with a view of securing warrants and making arrests.

A printed notice of the law will be furnished you later, the same to be delivered to the different employers.

FRED KOHLER, Chief of Police.

City of Cleveland,)
 Department of Law,)
 November 30, 1904.)

Fredk. Kohler, Esq., Chief of Police,
 City.

Dear Sir: I desire to call your attention to an act passed by the last General Assembly on the 25th day of April, 1904, regulating the employment of minors, found on page 321 of the 97 Ohio Laws. Section 2 of that act is as follows:

"Sec. 2—It shall be the duty of every person employing minors under the age of eighteen years to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every minor employed by him under the age of eighteen years. No boy under sixteen years of age, and no girl under eighteen years of age, shall be employed at any work at night time later than 7 o'clock in the evening nor earlier than 6 o'clock in the morning, and no minor under eighteen years of age shall be entitled to no less than thirty minutes for meal time at noon, but such meal time shall not be included as

from making any payments out of the treasury by reason either of the pendency or immaturity of the appropriation ordinance. The hardship entailed by this situation is really very great. Contractors who rely upon the city's prompt payments to meet their pay rolls are greatly inconvenienced, while city employes, a very large number of whom live upon modest incomes and have monthly payments of great importance to make, are driven to resort to expensive expedients to provide themselves the necessaries of life until payments are resumed by the city.

"After a careful examination of the question, I am of opinion that it is competent for the council to pass the appropriation ordinances in December and June, and I write this to recommend that the ordinance for the six months beginning Jan. 1, 1905, be prepared as speedily as possible, introduced into the council and passed if possible before the first of January."

SAID BEMIS MUST NOT MAKE REPAIRS.

City Solicitor Baker decided Friday that Supt. Bemis, of the water works, had not been acting within the law when he made repairs on private property, while looking after water meters, and then charged the cost to the owner on whose property he had made the repairs. As a result the servers will have to pay bills to the amount of \$1470 out of the meter fund.

It was claimed that Bemis, in inspecting meters, made necessary repairs and then charged the bill to the property owners. City employes made the repairs and material furnished was city property. Some of the property owners refused to pay the bills and went to Baker. Baker said Bemis' duty was to order the people to have the work done, but not to do it himself.

WOULDN'T PAY FOR MILK, ICE AND EGGS.

City Auditor Madigan Holds Up Strange Bills From Water Works Department.

City Auditor Madigan held up another bunch of water works department bills, Tuesday, pending an opinion as to their validity by Solicitor Baker.

These bills include charges for milk, eggs, ice, lunches, etc., that were presented by employes. Supt. Bemis claimed the employes who contracted them went to distant parts of the city on business.

"I can't see why city employes should not furnish their own refreshments the same as any other workmen," was Madigan's comment.

WARM MEETING IS LOOKED FOR

A Number of Important Matters Scheduled for City Council Tonight.

Annexation Difficulties Are Likely to be Thoroughly Threshed Out.

The fight begun a week ago over the question of naming commissioners to arrange with like commissioners from Glenville and South Brooklyn the terms and conditions of the annexation of those two places will probably be continued in the city council this evening. The fight is of much interest.

A week ago administration resolutions were presented to the council asking that City Solicitor Baker, Auditor Madigan and Frederic C. Howe be named as these commissioners. Opposition developed at once and amendments were offered naming Councilmen Gunn, Horner and Gibbons as a councilmanic committee to select the commissioners. The fight resulted in the matter being laid over for a week.

In addition to this many other matters of interest may develop at this evening's session of the council. It is possible, although not probable, that the appropriation ordinance for the first half of next year will be introduced in blank form, following City Solicitor Baker's opinion that it is competent for the present body to pass the ordinance.

Mr. Baker may also submit to the council ordinances entering into agreement with the Pennsylvania railroad for the abolition of the grade crossings along that system within the city. He will also, probably, in compliance with Councilman Bernstein's resolution, present an ordinance providing for a city dairy inspector.

The adverse report by the street railway committee on the Walker franchise extension ordinance will be considered, Councilman Walker having announced that despite the committee report he will call for the ordinance and demand that it be presented to the council for an aye and nay vote. This adverse report, however, has relieved the necessity for the preparation by the city solicitor of an amendment to the ordinance regulating service that must be furnished by the company. It is generally believed that the ordinance will be rejected, but since it will be the first vote on street railway matters taken in several months there may be some surprises, and, to say the least, the position of the various councilmen will be of interest.

Councilman Behm has under consideration ordinances to knock out the board of health and to abate minimum water rates. One or the other may be presented.

Other councilmen have also shown a disposition, since election, to be more active in the matter of new legislation, and a number of new resolutions and ordinances may be presented by them.

Then, too, there are many old matters pending and any one of several of these are likely to develop bitter debates and hot fights.

THE DAILY REPUBLICAN,

NEWTON BAKER PLEASES MEN

In spite of the many counter attractions Tuesday evening there were fifty-two men present at the first meeting of the Men's club and the enthusiasm ran high.

The church parlors were prettily decorated with large white and red chrysanthemums and the American flag. Music, under the direction of Trevor Jones, helped to brighten the occasion. When the Hon. Newton Baker made his appearance the men were prepared to give him a rousing welcome, and they did. When Mr. Baker finished his speech they were prepared to continue that enthusiasm and they did. Mr. Baker's speech was a masterly effort and reflects great credit upon his broad-minded understanding of church, civic and political questions. It would be impossible to give even a resume of his address, suffice it to say, that, Mr. Baker has made a reputation for himself in Painesville as a forceful and clear-cut speaker. We hope to have him again in the future. The club enjoyed a "smoker" after the speech and sociability ran high among the men to the end. The Men's club will meet once a month, on the first Tuesday, and the executive committee is planning to make its New Year's meeting a still greater success.

MORE ROOM FOR BOARD.

To save expense to the city and county, Server Springborn will let the Board of Elections have the use of another room in the city hall. The board already has several rooms for its use, but some time ago demanded another.

Springborn referred the matter to City Solicitor Baker. Baker decided that under the election law the board had the right to rent an outside room, if the members so desired. He told the server that money would be saved if a room in the city hall was given to the board.

Questions Council's Authority.

City Solicitor Baker told the council last night that he was not satisfied that authority was vested in it to create the position of dairy inspector and for that reason had not prepared an ordinance providing one. Mr. Baker said that the matter might be one for the state authorities to deal with, but explained that he would investigate and report to the council fully next week.

POLICE TO ENFORCE CHILD LABOR LAW.

CHIEF KOHLER HAS ORDERED PATROLMEN TO WATCH FOR VIOLATIONS, AND, IF FOUND, TO REPORT TO PROSECUTORS.

Police throughout the city are looking for violations of the law regulating the employment of children in shops.

This is Chief Kohler's order to the force:

You will see that the law is strictly enforced. If any violations are found, you will consult the police prosecutors with a view of securing warrants and making arrests.

"The order," says Chief Kohler, "means exactly what it says."

The law was passed at the last session of the legislature. It prohibits the employment of any boy under 16 or any girl under 18 at any work after 7 p. m. or earlier than 6 a. m. City Solicitor Baker called the attention of Chief Kohler to the law a few days ago, with the remark that "the very wholesome provisions of this law ought to be strictly enforced."

Printed notices of the law have been prepared for distribution among employers.

BOOSTS SALARY OF COUNCILMEN

Council Votes to Raise Pay of Members From \$600 to \$1,200 a Year.

Secret Caucus Before Meeting and Much Opposition is Developed.

By a vote of twenty-three to nine the members of the city council last night decided that \$600 a year was too low a salary for members of that body and voted to increase their yearly stipend to \$1,200. An ordinance was also introduced increasing the salary of the president of that body from \$1,200 to \$2,000 a year.

The passage of the measure was attended by much interesting oratory and other scenes, that were peculiar to say the least. First of all the council, Democrats and Republicans, with the exception of a few, held a secret caucus immediately prior to the regular session. At this caucus the councilmen determined to rush the Behm salary raising ordinance through at once.

Councilmen Wertman, Weitz, Maulberger and Pears, the latter a Republican, took a determined stand against the plan in this session. Wertman was especially vigorous in his caucus remarks, declaring that not a single member of the present council actually earned a salary of \$50 a month by the work he did for the city.

When the ordinance was called in its usual order in the regular session City Solicitor Baker explained that he had

given an informal opinion to the effect that he did not believe the ordinance could effect members of the council until Jan. 1, 1906, or, in other words, that none of the holdover members or the members elected last month, will be benefited by the higher scale.

"Some members of this body, however, disagree with me," continued the solicitor, "and hold that the newly elected members will get the increase. If the council desires it may lay this over for a week, and I will make a critical examination of the statutes."

There was an immediate protest against any delay.

Councilman Wertman then made a vigorous public speech against the measure, declaring that not a member of the present body had earned \$50 a month for the city.

"There is not a man here capable of earning \$100 a month, with a few exceptions," he further asserted. "They wouldn't earn it if they devoted their entire time to the duties imposed upon them. Furthermore, if you increase the salaries it will cost \$2,000 to be elected to the position. I know what it costs. I have had a little experience. Of course if a campaign committee puts up the money and a man is elected he can loaf around two years and do nothing but come here once a week."

Wertman then told of what could be accomplished in other directions with the money the increase would take.

Councilman Weitz said he fully agreed with Wertman's sentiments.

"I take notice," he stated, "that prior to election the members of this body talk of increasing the wages of laborers on the streets, but after election they immediately proceed to increase their own salaries or those of other high priced men not needing it."

Member Kohl maintained that a councilman earned \$1,800 a year. Horner, Callaghan, Behm, Gunn and Hitchens spoke in favor of the increase. Pears opposed it. Bernstein also favored it and offered to give Wertman a position paying him a salary of \$125 a month if he would accept it.

A motion to lay the ordinance over for a week was voted down by a vote of 24 to 8, and the measure was then passed, Messrs. Blesinger, Callaghan, Erdman, Maulberger, Thompson, Weitz, Wertman, Pears and Walker voting no. The last two are Republicans and were the only ones affiliated with that party voting against the increase.

SAYS HE WILL MAKE ARRESTS

THE SMOKE INSPECTOR DECLARES HE WILL ACT SOON.

Smoke Inspector Krause says he is ready to make arrests for violation of the smoke ordinance. He was in consultation with Solicitor Baker Thursday.

Arrests were made possible for the violation of this ordinance Monday night, when an amendment was made to the old ordinance, fixing a fine.

"In some of the factory and apartment house districts there is little regard for the provisions of the ordinance," said Krause. "Not wishing to injure manufacturing or real estate interests, I am as lenient as is consistent with the spirit of the ordinance. When apartment house and factory owners utterly disregard the law and make no effort to remedy the evil, they should be dealt with severely. Such persons will be prosecuted."

WON'T TAKE BACK ROOM.

The servers said Wednesday that if the Board of Elections wanted larger quarters the members must move across the hall to a suite of rooms in the rear of the city hall.

"We will not occupy back rooms," said President Gentsch. "It is beneath the dignity of the board."

Tuesday City Solicitor Baker advised the servers to give the board another room to prevent the members from renting one outside the city hall and thereby incurring additional expense.

NEW PLAN FOR COLLECTIONS.

Laying of Delinquent Sidewalks Subject of Officials' Conference.

President Springborn of the board of public service, City Solicitor Baker, Auditor Madigan and Sidewalk Inspector Bradbury will meet this morning for the purpose of discussing the laying of delinquent sidewalks.

In the past it has been the custom for the city to lay these walks and to permit the contractor to collect the cost thereof direct from the property owner. Ordinarily the rule would be for the city to collect the cost for delinquent walks in the shape of taxes and to pay the contractor.

Auditor Madigan has raised the question of the legality of the contractor collecting from property owners. If his contention is right and the city will be unable to continue this policy it will be greatly hampered in the matter of laying walks.

LOWER PRICE OR BREAK CONTRACT

Springborn Outlines City's Position on Part of Intercepting Sewer Work.

Baker Urges That Some Agreement be Reached With Contractor Wagner.

The city council committee on public works met yesterday afternoon for a consideration of the contract of John Wagner for the building of a section of the intercepting sewer. This is the contract originally awarded to Christian Burkhardt and by him assigned to Wagner. The original contract called for open cut work with two-inch sheet piling.

Later the Lake Shore railroad objected to this on the ground that it was not sufficient protection to its roadbed, the sewer course being alongside the railway right of way. A subsidiary agreement was then entered into whereby the contractor should use Wakefield sheet piling, which is a better protection, but which would also increase the cost of the work to about \$120,000.

After this agreement had been made other contractors took up the matter and said that the work could be done by tunneling for some \$80,000. This caused a councilmanic investigation and it was in connection with this investigation that the matter came up before the committee yesterday afternoon.

President Springborn of the board of public service, City Engineer Carter, Wagner and a number of other contractors met with the committee. The city officials explained the situation and a legal opinion from City Solicitor Baker, which had been requested, was then read. Concerning the matter Mr. Baker says:

"An open breach of a contract let in the solemn manner in which this one was, after due advertisement, would probably react in such a way upon the city's faith in making of contracts for public work as to deprive us of the competition now afforded by bids from responsible bidders. To such an extent is this true that no such breach ought to be made unless it plainly appears that some lack of good faith has been shown by the bidder to whom the contract was awarded or unless the conditions are so far changed as to render the price for the contract so excessive for the work actually to be done as would amount to a fraudulent misappropriation of public moneys. In the present instance, Mr. Wagner is standing upon his rights under the contract, and informs the board and council that he will proceed to claim damages for any breach. At the same time I am informed, through Mr. Wagner's attorney, that he is willing to enter into a new arrangement with the city, taking account of the changed conditions under which the work is to be prosecuted, whereby the city will be able to save a considerable sum of money.

"The questions which would have to be litigated in this contract are complicated and difficult, involving the construction of the powers of various public officers under the old federal plan, as

well as under the present municipal code, and the likelihood of there being a substantial recovery by Mr. Wagner of damages is so great that I strongly urge your board, and the committee appointed by the council to consult with it in this matter, and to take up with Mr. Wagner the entire question with a view to arriving at some form of adjustment which will obviate the necessity of any open breach of the contract on the part of the city."

Mr. Springborn then explained to the committee that so far as the public service board is concerned it wanted the work done at the very lowest price and that if Wagner was unwilling to submit a lower price the city would be willing to break the contract, taking chances of having the courts award a claim for damages to Wagner.

By agreement definite action on the matter was postponed until 11 o'clock tomorrow morning, at which time Wagner will submit a price for which he will do the work and if the committee considers this too high then the contract will be broken and a new one entered into with other parties.

COMPANY WILL BE HELD LIABLE.

Baker Gives Notice to Bonding Concern as to Water Works Theft.

Solicitor Baker has notified the American Bonding Co. that the city will hold it liable for the funds stolen from the water works office Wednesday. This will probably be contested, as there is some doubt whether the contract covers shortage by theft.

Examination of the accounts is being continued by the servers. One shortage was discovered, but it had been made good, first by a personal check which was valueless, later by cash. It was claimed the shortage was caused through a clerical error, for which the clerk was responsible, and consequently made good.

Supt. Bemis is not making an examination himself. He was called to Boston to present figures at a tax meeting.

NOT UP TO THE COUNCIL.

Baker Says Dairy Inspection Develops Upon Health Board.

City Solicitor Baker has disapproved the Bernstein resolution asking that an ordinance be presented to the council providing a dairy inspector for the city. Mr. Baker says the council has no power in the matter, the state law vesting this in the hands of the board of health. Baker's opinion is as follows:

"The laws of the state do not confer upon councils of cities any power or duties with regard to the inspection of dairies, and it is, therefore, impossible for the council to create the office of dairy inspector.

"Section 2139 of the statutes does give the board of health power to appoint an inspector of dairies, but the discretion as to the appointment of an inspector is vested in the board of health."

MAYOR TOM SIGNED THE SALARY BOOST.

Believes Better Men Can Be Secured in Council by Bigger Salaries.

The ordinance increasing the salary of councilmen from \$600 to \$1200 a year was signed by Mayor Tom Saturday.

"I believe we can get better men in the council by raising the salaries," said Mayor Tom. "I have always been in favor of an increase."

There is still doubt whether or not the ordinance will affect any of the members of the present council. Solicitor Baker thinks not. Some of the councilmen are of different opinion. The courts will be asked to decide by a friendly suit in mandamus.

TAKE QUESTION TO THE COURTS.

Baker Says Board of Elections Squabble Can Be Settled Only in That Way.

A difference of opinion has arisen between Solicitor Baker and the Board of Elections which can only be settled in the courts.

The question arises through the request of the board for an appropriation much larger than any sum the city has formerly spent. Chairman Beisinger, of the appropriation committee, says the figures must be cut down.

The board declares the appropriation must be made, and that if it is not it can contract debts and the city must pay, anyhow.

Solicitor Baker was appealed to. He said:

"The board is operating under a different law from any other city official. It has much greater liberties in the matter of expenditures. But it is my opinion that the board cannot exceed its appropriation. Any such attempt can only be decided in the courts."

CAN HOLD TWO POSITIONS.

Solicitor Baker's Decision is Favorable to E. A. Roberts.

City Solicitor Baker, in a new opinion, has decided again, as he did in the case of Charles S. Gongwer, that there is no law prohibiting a man from holding two positions in the city government.

The latest decision is given in the case of Edward A. Roberts. He is clerk for the city hall commission and occupies the same position to the board of supervising architects.

CANNOT TAKE A SPECIAL VOTE

People Must Pass on Electric Light Franchise at Regular Election.

City Solicitor Baker Gives Opinion to the Council.

City Solicitor Baker in an opinion to the city council, prepared yesterday, concerning the question of granting an electric light franchise to a second lighting company, asked for by the Cuyahoga Light & Power Co. several weeks ago, asserts that it is not only necessary to submit the question to a vote of the people but that it must be done at a regular election. A special election cannot be held.

Mr. Baker has made a thorough examination of the question with the assistance of a number of other prominent attorneys, who are employed by the new lighting company. Mr. Baker, however, refuses to divulge the names of these lawyers.

Mr. Baker's opinion on the subject is in reply to the council resolution calling upon him to inform the council what steps were necessary to procure the submission to popular vote of the question of authorizing the operation of an additional electric illumination company in the city.

The opinion then says: "In reply to the request in that resolution, I beg leave to say that section 2996-2 of the revised statutes of this state provides:

"Unless the act so providing for the submission of any question to the qualified voters of any township, county, village or city, also provides for the calling of a special election for that purpose, no special election shall be so called, and the question to be voted upon shall be submitted at a regular election in said township, county, village or city, and notice of such question to be voted upon shall be embodied in the proclamation for such election.

"Sections 3551 and 2491 of the revised statutes, which require the submission to popular vote of the question authorizing the operation of a second electric light company where one is already in operation, do not provide for the submission of such a question at a special election. I am therefore of opinion that no special election can be had upon that question, but that it must be submitted at a regular election, if it be submitted at all.

"I am further of opinion that in order to submit such a question to popular vote the council, at an appropriate time before the November election, should pass an ordinance directing the submission of the question, whereupon it would be the duty of the mayor to serve notice on the board of deputy state supervisors and inspectors of election the fact that such question was to be submitted, and in his official proclamation to embody the question to be submitted."

APPROPRIATION MEASURE HAS STARTED FIGHT IN COUNCIL.

REPUBLICANS AND ANTI-JOHNSONITES EXPECT TO BLOCK ITS PASSAGE AT PRESENT TIME.

A fight has been stirred up on the appropriation ordinance, which was introduced Monday night. The Republicans and anti-Johnson councilmen are determined to block the administration's attempt to put the ordinance through during the term of the present council.

Councilman Horner, who is on the appropriation committee, said he would hold up the ordinance if possible.

Among the appropriations the Republicans object to is salary for the deputy health officer, Dan Ryan, defeated candidate for council, for whom the position was created by

the Board of Health; an increase of salary for Sidewalk Inspector Harry Bradbury and others. The Republicans say they will block these plans.

"I don't believe it is legal," said Horner, "for this council to appropriate money for the next."

Solicitor Baker reversed himself on this point. His first opinion was that it was not legal. Later he declared it was.

"I believe we should get the ordinance into shape, but leave the final revision and passage to the council that serves during the period for which the appropriation is made," said Councilman Hitchens.

EXPECT TO RESCIND CONTRACT

SERVERS WILL ACT AND CONTRACTOR SAYS HE WILL TAKE INTERCEPTER FIGHT TO COURTS.

The servers will hold a special session Tuesday to rescind the contract with John Wagner for the construction of the portion of the intercepting sewer just east of Doan-st. Work will be indefinitely held up.

The original contract with Wagner called for "open-cut" sewer with two-inch sheeting on a contract price of \$80,000. Later it was found that two-inch sheeting was not heavy enough. Nine-inch sheeting was then decided upon. This increased the contract price to \$126,000. A subsidiary contract to this effect was granted by the servers.

Recently Engineer Carter deter-

mined the sewer must be tunneled, Wagner claimed the subsidiary contract still held good, and said he started tunnel work at that price. Contractor Ford Beers then offered to do the work for \$80,000, claiming tunnel work could be done much cheaper than the "open-cut."

Server Springborn opposed breaking the contract, saying that with the litigation that would necessarily follow the cost would be equally great to the city. Besides, the legal tangle would cause great delay. Springborn believed Wagner would reduce his price to some extent, voluntarily. This Wagner refused to do. Springborn then declared himself in favor of taking the work away from Wagner.

The subsidiary contract entails a greater cost than was appropriated for the sewer construction. Solicitor Baker was asked to pass on the legality of this contract. He said Tuesday it was illegal. In consequence, Springborn drew up a resolution to rescind it. This will undoubtedly be passed by the board.

This throws the matter back to the original contract. Two-inch sheeting, however, will not sufficiently protect the railroad that passes near the sewer. In case the form of construction is dangerous to life or property the engineer has the right to order a change of construction. This has already been done. It will therefore be up to Wagner, if he expects to hold the city to the contract, to take the matter to the courts. This, he says, he will do.

RECEIVES MAYOR'S O. K.

Signs Behm Ordinance Providing for Increase of Councilmen's Salaries to \$1,200.

Mayor Johnson yesterday signed the Behm ordinance providing for an increase the salaries of city councilmen

from \$600 to \$1,200 a year. The mayor has always favored a higher compensation for the city fathers.

The question of whether or not salaries for the members elected last month will be affected by the ordinance will probably be determined in the courts. City Solicitor Baker is of the opinion that the ordinance will not be effective until Jan. 1, 1906.

THINK EXPENSES SHOULD BE MET

New School Board Members May Seek Some Compensation.

No Provisions for Remuneration Under the Present Code.

There will be no compensation for the members of the newly elected board of education in the way of salaries, but there may be an expense account allowed for each member of the new board.

Not long ago the members of the present board asked Solicitor Baker as to whether or not the members of the new board would be allowed compensation under the new school code. The code is silent on the matter of salaries and Solicitor Baker held that the members of the board would not be entitled to any compensation.

The members of the present board receive a salary of \$5 for each meeting which they attend, but this salary will be cut off when the new board goes into office the first of the year. There is a feeling on the part of some of the members of the new board that there should be some provision made for them in the way of remuneration.

There is considerable expense connected with the duties of being a member of the board of education and the attending of board meetings, committee meetings, and the expenditure for postage of the various members will all have to be borne by the members themselves. A member of the new board said that no objection was made to spending the time necessary for the board of education business but that the objection came on the matter of spending money out of their own pockets for the transaction of school business.

Some of the members of the new board think that possibly some arrangement can be made whereby each member could be allowed an expense account and that they could draw this from the contingent fund. Some of the members of the new board would be glad if the present board could fix some way of enabling them to secure some compensation, feeling that it would be a delicate matter for them to take up when they take office the first of the year.

President Gehring, of the present board said yesterday that he would be glad if some arrangement could be made whereby the new board could receive compensation, but that he did not think that this was possible, on account of the decision of Solicitor Baker. Mr. Gehring thinks that the new board could draw an expense account for street car fare and other necessary expenses, but he said that this would amount to only a comparatively small sum.

OPINIONS ON THE TARIFF.

AN OVERWHELMING DEMAND FOR REVISION.

Representative Men Reply to Questions Propounded by the "Evening Post"—Twelve to One for Revision in To-day's Answers — Ten of the Men Voted for Roosevelt.

As a test of public opinion upon tariff revision and a contribution to the disputed question of how Roosevelt's overwhelming majority should be interpreted as offsetting this issue, the *Evening Post* has submitted a set of four questions to a thousand prominent men in all walks of life and all cities of the country. These questions are as follows:

- (1.) Do you favor revision of the tariff?
- (2.) In what schedules should you like to see rates lowered?
- (3.) Have you any further comment to make on the subject?
- (4.) For which party did you vote in the last Presidential election?

The names for this canvass were taken in their order from 'Who's Who in America,' without additions or omissions.

The third instalment of these letters will be found below. Twenty-nine have already been printed—twenty-one from Republicans, one of whom did not vote in the last election; three from Democrats; one from a Peplust; one from a Prohibitionist; one from an Independent; and two from men who did not vote this year, though one voted for McKinley in the last election. Of these twenty-nine, twenty-seven favored revision.

Thirteen letters are printed to-day: Eight from Republicans, two from Independents who voted for Roosevelt, two from Democrats, and one from a Socialist. Of the thirteen, twelve favor tariff revision, one opposes.

Newton Diehl Baker, Lawyer, City Solicitor, Cleveland, Ohio.

- (1.) Yes, if it can be revised down.
- (2.) Assuming that any revision which is likely to be made will be made with a double reference to the so-called principle of protection and a desire to raise revenue, I should be in favor of revision principally in those schedules which will permit foreign competition in Trust-made articles and in the direction of increasing the free list, and I would be in favor of this even at the sacrifice of revenue.

(3.) I am a free trader, have no patience with the so-called theory of protection, and believe that every indirect tax is both unjust in its operation and dangerous in that it promotes extravagance and diminishes the sense of responsibility of the citizen in his supervision of the Government and its expenditures.

- (4.) The Democratic party.

BAKER KNOWS OF NO LAW.

Doesn't See Now How School Council Members Can Be Paid for Expenses.

Solicitor Baker was appealed to Monday on the question as to whether

er the new school council could charge up their expense accounts or would have to pay for them out of their own pockets. Inasmuch as the members of the council get no salary, they think the school district should stand for expenses incurred.

Baker said he did not know at present how the expense accounts could be charged, or whether there was any law on the subject.

IN DOUBT AND MAY GO TO LAW

Solicitor's Opinion Regarding the Board of Elections Causes a Tangle.

The Members Disagree With Baker and May Seek Aid in Court.

Mandamus proceedings to compel the city to pay certain bills of the deputy state supervisors of elections will probably be begun by that body in a few days as a result of City Solicitor Baker's opinion of Tuesday concerning the sources of the supervisor's revenue.

The supervisors, especially Messrs. Gentsch and Hopkins, who are lawyers, take exceptions to Baker's opinion and disagree with it on many points.

As a result the supervisors yesterday requested R. J. Mauck, an assistant in the attorney general's office, to come here for a consultation regarding the matter. Mauck will be here today. If he takes the same view of the matter that the supervisors do the mandamus suit will be instituted at once. If he agrees with Mr. Baker there will be no suit.

Baker's decision was a topic of considerable discussion at the meeting of the supervisors yesterday.

"The question is in quite a tangle as a result of the decision," said Supervisor Hopkins. Mr. Baker's ruling is contrary to the custom that has always been followed under a law that is still in existence. There is now only one governing body, but it is still acting under practically the same law that the old boards operated under."

"That law was adopted almost verbatim in the new one," explained President Gentsch. "Mr. Baker admits this, but he claims that by reason of the consolidation of the two boards the county must pay most of the expense. We are asking the city to pay only such bills as are confined wholly to the city."

The F. W. Roberts Co., who had the contract for printing the ballots for the fall election, presented a bill to the board of \$150 for extras entailed by the work. The Roberts company contracted to do the work for \$1,935, but now the additional bill is presented.

Secretary Haas also reported that Contractor Bevington had begun the work of removing the booths from the streets of the city. Bevington has started in the East End and Haas says that he will be down town by Friday.

The board also considered the question of dismissing some of its extra clerks, it being explained that there was no longer any work for them, but no action was taken. The same question was considered at the meeting of last week.

WILL NOT GIVE UP THE FIGHT.

Councilman Says He Will Make Another Effort to Prevent City Supplying Village With Water.

Councilman Pears will not give up the attempt to defeat the plan of the servers to supply Cleveland Heights with water.

Some time ago the council entered an agreement with the village to furnish it water. Pears introduced a resolution Monday night to break the agreement, claiming the erection of the stand pipes and necessary pumping machinery would cost the city \$100,000. He said this was not made known at the time.

Server Springborn admitted the cost, but claimed the city would be amply repaid on the investment. The yearly income from the sale of the water would be more than \$13,000, he said.

Pears declared this was a poor investment, especially as it did not count the expenses of furnishing water.

City Solicitor Baker said the agreement could not be broken. Pears then dropped the resolution, but said he would attack the appropriation next week and try to make the agreement a nullity in this way.

CHANGES HIS BID.

Contractor Who Wanted \$126,000 for Sewer Offers to Build It for \$100,000.

Since the servers broke the subsidiary contract with John Wagner to construct the portion of the intercepting sewer east of Doan-st for \$126,000, he has come to the belief that he can do it for a lesser sum.

Through Atty. Evan Hopkins he offered to do the work for \$100,000, Friday.

The servers will not accept until Solicitor Baker decides whether they have any right to break the original contract, which is for \$80,000.

If Solicitor Baker believes the damages will not bring the sum to \$100,000, with the contract price, the servers will break the original contract and readvertise for bids.

MUST PAY PRESENT BILLS.

Hereafter, However, City Won't Stand for Waterworks Lunches.

City Solicitor Baker, in an official opinion to City Auditor Madigan yesterday decreed that waterworks bills for milk, sugar, eggs, ham sandwiches, lunches, etc., totaling in the neighborhood of \$50, should be paid. Baker says that the bills were accumulated before the ruling against the purchase of such articles was made effective.

His rule is made with the understanding that no more bills of this nature are to be allowed.

MAKE BILLS EXPLICIT.

Payer's Advice as to Division of Election Board Expenses Between City and County.

Assistant City Solicitor Payer yesterday, following the decision of Solicitor Baker of Tuesday, passed upon many bills presented to Auditor Madigan for payment by the deputy state supervisors and inspectors of election. Madigan held the bills up until the legal questions involved could be decided.

One, that of the F. W. Roberts Co., for printing, had been refused payment because the supervisors failed to file a contract with Madigan. Referring to it, Mr. Payer decides that it is not within the authority either of the city auditor or the city solicitor to challenge the wisdom of the contract made as compared to provisions of the contract theretofore existing, inasmuch as the statute commits the exclusive judgment of that matter to the supervisors. He says that under the provisions of the law the contract was authorized and therefore the bill must be paid, regardless of price charged or anything else.

Payer says in conclusion: "In view of the fact that the law requires the division of expenses between the county and city along lines indicated by Mr. Baker, I suggest that the board of deputy state supervisors and inspectors of elections be advised by you that its bills in every case be made as explicit as possible and indicate wherever necessary whether the expenses for which the bill is rendered are incident to the registration of electors exclusively or incident exclusively to the conduct of elections."

CITY WILL PAY \$50,500.

It Will Cost \$120,000 to Abolish the Big Four Railroad Grade Crossings.

The draft of an ordinance for the separation of grades at the Clark avenue crossing of the Big Four railroad was completed yesterday at a conference between City Solicitor Baker and Engineer Carter, for the city, and Judge L. J. Hackney of Indianapolis and Engineer C. B. Clark, representing the railroad company.

The ordinance provides that Clark avenue shall be depressed twenty-one feet six inches and carried under the railway tracks. The structure carrying the railway tracks shall be of concrete steel arch construction with a clearance of sixteen feet at the crown and a clearance of six feet at the inner edge of the sidewalk. The roadway under the arch shall be thirty-eight feet between the curbs and there shall be room for two sidewalks, each eight feet wide. The approach grade on the west is to be 3.3 per cent., with the portion immediately under the bridge level. The approach on the east is to be at a 4 per cent. grade. The roadway is to be paved with dressed Medina block and the curbs to be of Medina stone.

Further provision is made that the approaches on Alum street are to be macadamized. That portion of Prim street within the present right of way lines is to be vacated.

All claims for damages as a result of the improvement are to be adjusted after the work is completed, the city to have charge of the disposition of all claims, but no compromise shall be made without the consent of the railway company.

The estimated cost of the work, according to the figures fixed in the ordinance, is \$120,000, of which it is specified that the city shall pay \$50,500, the railway company to pay the balance.

The ordinance also provides that the work of separating the grades shall be completed by Oct. 15, 1905, it being planned to begin work just as soon as the weather will permit in the spring.

WON'T PAY FOR BONDS.

City and County Benefit by the Knocking Out of the Crafts Bonding Law.

The decision of the supreme court in declaring the Crafts surety bonding company law unconstitutional affects every public officer holder and employe in the city and county. In city affairs the question of the constitutionality of the law has been a mooted question for several months.

The law not only contemplated that all officials and employes should be bonded by some corporate company, but that the municipality, county or other organization should pay the premium on the bond.

Some city bonds have been secured under this law, the city paying the premiums, but before the custom had grown to any extent Auditor Madigan asked Solicitor Baker for an opinion on the legality of the law. Baker said he thought it was legal, but since the question was before the supreme court advised that no more premiums be paid until the court had rendered its decision.

UP TO STATE AUTHORITIES.

Question of Who Shall Pay Election Supervisors Submitted.

The question of the sources from which the deputy supervisors and inspectors of elections shall draw their revenues was submitted to the state bureau of inspection and supervision and the state examiners by City Solicitor Baker yesterday.

City Solicitor Baker has held that the city should be charged only with the cost of work connected directly with registration in the city. The supervisors hold that a certain amount of their work is the outgrowth of labor done for the city, and therefore that the county should not be charged with it. The dispute arose as a direct result of the question of who should pay for clerk hire.

President Gentsch also indited a letter to the state officials yesterday, in which he presents the attitude of the supervisors relative to the questions involved.

TO SUE BONDSMEN.

Springborn Makes Report to Council on the City Hall Robbery.

President Springborn of the board of public service, in reporting the circumstances of the waterworks robbery to the council last night asked that City Solicitor Baker be empowered to begin proceedings against the bondsmen of Cashier C. A. Patterson to make good the sum lost in the robbery.

Springborn merely set up the facts concerning the robbery in his report, but included a report of Detective Sergeant Doran concerning the police work on the case. Doran says that he and several detectives worked on the case a number of days. The report expresses doubt as to the manner in which the robbery was committed.

Waterworks Superintendent Bemis announced that the suspension of Cashier Patterson had been made permanent and that he would not be re-employed by the department.

A LONG VACATION.

City Officials and Employes Will Go Back to Work Tuesday.

Christmas vacations began at the city hall yesterday. City Solicitor Baker and Mayor's Secretary Gongwer started away early. All city offices close at noon today, not to reopen again for business until Tuesday.

A meeting for the members of Trinity Parish and their friends will be held at

Trinity House, Perry and Euclid
 Wednesday, December 21st, '04

and will be addressed by

Mr. Newton D. Baker—City Solicitor

Subject: "The Church in Politics."

Kindly make a special effort to be present and bring as many friends as possible with you, as this will be an especially interesting talk.

The Brotherhood of St. Andrew.

Trinity Chapter No. 10.

MAYOR MAY SPEAK.

Formal Opening and Dedicatory Exercises to be Held Jan. 10 at the Bathhouse.

Plans for placing the free public bathhouse in condition for the formal opening to be held Jan 10 were completed by the board of public service yesterday. There will be music, athletic exercises and a number of addresses.

The institution will be open to public inspection all afternoon and evening. The board of public service will act as the reception committee. Chairman Miles of the advisory board will be chairman of the dedicatory exercises and addresses will probably be made by Mayor Johnson, City Solicitor Baker and Frederic C. Howe, the originator of the free public bathhouse scheme in Cleveland.

OLD CASE DISMISSED.

An action brought against the bondsmen of Louis J. Rowbottom six years ago was dismissed Saturday morning by Judge Beacom at the request of City Solicitor Baker. Rowbottom was license clerk in the office of City Clerk Howard Burgess. It was alleged in the petition that a shortage of \$3040 had been discovered in his accounts with the city.

W. T. Chard and Wm. H. Gabriel, his bondsmen, were made the defendants in an action to recover \$2000, the face value of the security. The case has been pending ever since. City Solicitor Baker said Saturday that he had examined all of the records of the clerk's office and the accounts of Rowbottom and that he had failed to find the evidence sufficient to substantiate the alleged forgery.

VILLAGE SELLS ITS ELECTRICITY

South Side District is Getting Light From South Brooklyn.

Poles on Private Property; the City Granted Permits for Wires.

Cleveland people will soon be supplied with electric light and power from the plant owned by the village of South Brooklyn, unless court proceedings interfere with work now under way.

Poles have been erected in an extensive territory contiguous to South Brooklyn and the city has granted the village the right to stretch wires over certain streets and upon the poles that have been erected. No permits were issued for the placing of the poles.

The action of South Brooklyn is the result of a request made to the village some months ago that it furnish electricity to certain business houses and private residences located near the village.

"We have not the right to place poles and wires in Cleveland," is what the South Brooklyn officials are said to have said, in substance, to the request. Later the interested parties called upon the board of public service for the permit. It was shortly before election.

"Since the question of annexation is

to be decided at the election," said President Springborn at that time, "wouldn't it be better for us to wait, since if annexation is favored the electric lighting plant will be owned by the city?"

"Yes," doubtfully admitted the applicants, and they waited.

Annexation was decisively declared for, but there were after developments that proved and are proving of much interest. Incidentally, these developments are worrying a great many people and those who desired service from the village plant again called upon the service board.

Springborn this time referred the matter to City Solicitor Baker. The solicitor decided that there could be no legal objection to the erection of poles on private property, but that he did not know what effect the erection of poles on public property might have.

Following this suggestion a number of poles were erected in backyards of people living along Pearl and Bradwell streets and in the vicinity of Denison and Garden avenues, as far north as Archwood avenue.

While the poles were being set application was made by the village officials for a permit to stretch wires over the poles. The application was made to City Electrician Dunn. The records of his office show that on Dec. 2 last certificate No. 649 was issued to the South Brooklyn lighting plant and the words of the stub-book read as follows:

"To run two wires from back of lot to Bradwell street, to Denison avenue, to Garden avenue and to Archwood avenue."

Springborn, when asked about the permit yesterday, said:

"I suppose it was issued. What of it? Is there any objections? I had heard of none."

"But if this is done why cannot the entire city be furnished with electricity?" asked a prominent citizen yesterday, who has been watching municipal matters closely.

The same question is likely to be asked in the council in the near future and another fight is likely to follow the new move in the annexation question, and incidentally, that of providing Cleveland, or rather, a portion of it, with a municipal electric lighting plant.

COMMISSIONER DIDN'T LIVE IN THE CITY.

Therefore, Geo. E. Harbaugh Cannot Help Annex City of Glenville.

There's another hitch in the annexation of Glenville. It was discovered Tuesday by City Clerk Peter Witt that Geo. E. Harbaugh, one of Cleveland's commissioners, is a resident of East Cleveland. Had he served, the acts of the commissioners would have been invalidated.

The city council originally named the auditor and city solicitor to act for Cleveland. Then the Republicans substituted Harbaugh, Mooney and McManus. They put the same committee on the South Brooklyn commission, but Mayor Tom switched back to the original committee.

HONORS MEMORY OF OLD HICKORY

Cuyahoga Democracy Discusses Party's History and Future.

Annual Celebration of Jackson Day Largely Observed.

Twelve hundred enthusiastic Democrats filled Germania hall and did honor to the memory of Andrew Jackson last evening. The occasion was the annual Jackson day celebration of the Cuyahoga Democracy, and instead of the annual banquet which was customary in former years toasts were delivered by Democratic leaders from the platform, in which tribute to the memory of Andrew Jackson was glowingly paid. Not only did the speakers eulogize the great man of the past, but they looked into the future and dwelt on the bright outlook for Democracy.

At one side of the platform was a portrait of Andrew Jackson, and on the other side was a framed photograph of W. J. Bryan. Suspended above the middle of the stage was a picture of Mayor Johnson, around which were placed twenty-four colored electric lights, which glowed into life when the mayor entered the hall.

Charles P. Salen acted as chairman of the meeting, and received a warm welcome when he ascended the stage and announced the first number of the program, a selection by an orchestra. Owing to the delay of Mayor Johnson and Solicitor Baker in reaching the hall City Auditor J. P. Madigan was announced to respond to the toast: "The Necessity of Organization."

In speaking of organization he said there were some within the ranks who throw up their hands and cry "graft" when organization is mentioned. He said they want to look for the whitened sepulchre in men who use the politicians for graft.

He asserted that an organization is all right that uses honorable methods to attain its end; he said that Cuyahoga Democracy had used honorable methods to attain honorable ends and the elimination of all graft.

He said that organization was in the nature of a bridge, and that the mean man was the one who speaks disrespectfully of the bridge that carried him over. Such men should be eliminated politically, he thought.

He urged that all Democrats should participate in organization, especially when the end in view was to make Cleveland the best governed city in the United States, which, he said, Mayor Johnson was trying to do. An effort should be made to get men of influence and businessmen, interested in organization. It was time, he thought, for all Democrats to get together. He said this should be the banner year for the Democrats in Cuyahoga county.

As City Solicitor Baker and Mayor Johnson had not yet reached the hall, some specialties were introduced which pleased the crowd. Mike Curley sang a couple of songs, James Cowin did

some fancy dancing and the Cuyahoga Democracy quartet sang one or two songs.

Mayor Johnson and Solicitor Baker were given an ovation when they entered the hall.

Chairman Salen in introducing Solicitor Baker referred to him as "the Napoleon of Democratic eloquence, our little corporal, Newton D. Baker."

Mr. Baker expressed his approval of the kind of celebration held by the Cuyahoga Democracy last evening. He said that no hall in the city would have been large enough for a banquet. There were some things about Andrew Jackson that he did not approve of, but there were two or three things about him that could never be forgotten. He said that when Andrew Jackson set out on a course which he considered to be right, no influence deterred him from his course. He named Jackson as the first Democrat in the United States who dared to lift up his hand against the money power as he saw it. He said that he was a man of the people and that when he entered the White House the people of the country for the first time occupied the White House.

The speaker said the dangerous classes were not the tramps or so-called ignorant classes, but were those who live in great palaces and bring corrupt pressure upon government to take away the people's rights. He held that the Democratic party is not the party of privilege, but represented the great body of people in the country. He said that equal rights and privileges for all must prevail.

"The toast, 'The City So Dear to Us,' will be responded to by a man who is more than dear to us," said Chairman Salen in introducing Mayor Johnson. The audience gave the mayor an ovation as he ascended the stage. He apologized for being late, as he stated that a member of his family was ill and he had not understood that he was on the early part of the program. "Mr. Baker struck a high note in his toast," said the mayor, "and he gave the real aim of Democracy."

"He pointed out that the dangers of the future were not so much from the tramp and the so-called ignorant classes. The danger is from the ignorant rich, who in their blind hunt for privileges are willing to destroy the foundation of our government. The only safeguard is to get the people interested in the Democratic party."

"The Democratic party today is more Democratic than it has been at any time since I was a boy. They have found out down east and in some other parts of the country that the great ranks of the Democratic party cannot be bought as conventions are bought. The Democratic party will be better able to fight in the future. In the great landslide of last November sixteen Republicans were elected to the city council. There were sixteen Democrats, but with Mr. Lapp they were in the majority. You have seen four wayward brothers vote with the Republican minority to defeat the will of the majority."

"Here the question is not so much national government as to what principles they stand for, ut in South Brooklyn there is a little electric light plant. There were 66,000 voters of Cleveland who voted in favor of taking it and 4,200 against. That was the expression of the will of the people who also voted to annex Glenville. If the Democratic party was playing politics it might have questioned the bringing in of Glenville with the 1,500 Republican majority, but to a man the Democrats voted to admit it."

"Our enemies have been saying that every attempt to settle the street railway question has been blocked by Democrats. They say that something ought to be done in the way of a compromise. If the people want to compromise it, if they make a test that the majority of the people want, we will obey the will of the people. If they ask me to sign a franchise for 5-cent fare I will resign first."

"I know that any attempt they will make for a 3-cent fare test will educate the people as to its effect, and educate the company as to what it will do."

"It doesn't matter what sort of a plan, but I believe the best way is a broad test. Let the railroad give us any kind of a test. We can reserve our judgment and act upon it after the test. I think that the best way is to wait until the franchises expire, and the people will get better terms from the company."

"As to what is coming in the future I do not know. If we steer in the future as we have steered in the past, and if we espouse the cause of the plain people, no presidential election can prevent us from winning the great battles of the future."

Specialties were introduced as the finale to the evening's celebration, including some stories by T. E. Kelleher, a comedy sketch by Guy A. Flick and James J. Gannon, and a wrestling contest between Clarence Bouldin and his partner Tommy Hoy. Bouldin got a fall in twelve minutes.

NEED NOT BE A CLEVELANDER.

Annexation Commissioner May be Nonresident of City.

City Solicitor Baker yesterday decided that the fact that George E. Harbaugh lives in East Cleveland does not debar him from acting as a member of the commission to negotiate for the annexation of Glenville to the city and that it does not make illegal acts of that body. The opinion was asked for by Tom McManus.

Baker holds that the city council is not restricted in the choice of commissioners. It was believed that all the commissioners ought to be residents of Cleveland.

HIGHER PAY FOR SIXTEEN.

Solicitor Decides Half of the City Councilmen Are Entitled to \$1,200 a Year.

City Solicitor Baker decided yesterday that the ordinance passed last month by the city council raising the salaries of members from \$600 to \$1,200 a year is effective immediately, as far as the councilmen elected in November are concerned. The decision therefore means that sixteen members of the council will draw salaries of \$1,200 each this year, while the old members will be paid only \$600.

Baker, in rendering the formal opinion at the request of City Clerk Witt, reversed himself in his informal opinions. He stated previously that he had not studied the law on the subject, but that he believed the ordinance would not effect men elected last November, since it was passed after those men were elected.

MAY HAVE TO GO TO COURT.

Solicitor Will Probably Decide Councilmen Are Not Entitled to an Increase in Salary.

City Clerk Witt yesterday formally asked Solicitor Baker for a legal opinion to settle the question of whether or not councilmen who took office Jan. 1 are entitled to the increase in pay from \$50 to \$100 a month. Baker has already informally expressed the opinion that the ordinance does not become effective until after councilmen elected next November take their seats.

Witt, in making up the council pay roll for the first half of February, will be governed by Mr. Baker's opinion. Should this be adverse to the councilmen some of them may take the matter into the courts for final determination.

CITY SOLICITOR BAKER HELD UP

Robbed at Pistol's Point by
Three Men Almost at Door
of His Home.

Told to be Quiet or Expect Bul-
let—Valuable Watch and
\$45 Taken.

Newton D. Baker, city solicitor, was the victim of a daring hold up, early last evening almost in front of his residence at No. 256 Oliver street. At the point of a revolver he was forced to submit to being robbed of his valuable gold watch and \$45 in cash.

The hold up took place a few minutes after 8 o'clock when lights were still burning in the residences on the street and pedestrians were about, although the nearest were some distance away from the scene of the robbery.

Mr. Baker had been at the residence of Judge Lawrence at No. 709 Genesee avenue and was returning to his own residence. Three men were walking on Oliver street toward Euclid avenue. Mr. Baker did not suspect their intentions until he was close up to them and then one of them suddenly drew a revolver and stepped in front of Mr. Baker, while the others surrounded him. He was quickly ordered to throw up his hands and not to call out or he would be shot.

Thoughts of resistance at first flashed through the mind of the city solicitor, but the attitude of the men was so threatening that he decided to obey them rather than take the chance of being shot.

The man who held the weapon kept it pointed at Mr. Baker's head while the others searched his pockets, extracting the money and the watch. The time-piece was valuable, but was more prized as a keepsake than for its intrinsic value.

When the money and watch had been taken Mr. Baker was ordered to walk back along Oliver street and was warned not to turn about or raise an outcry. He was assured that he would be shot if he did.

Mr. Baker obeyed and when he had put a safe distance between the spot where he had been stopped and himself he turned about. The men had disappeared, evidently dodging into one of the yards on the street.

Mr. Baker went to the residence of Mayor Johnson, close by, where he notified the police of the affair. Detectives were instantly set to work upon the case.

From the description furnished by the city solicitor the police believe that the hold up men are the same trio for whom they have been searching for weeks. Numerous hold ups which have occurred during the winter have been attributed to them. The descriptions in many of the cases were very similar.

About midnight Detectives Bernhardt and Moore brought to the central police station three men suspected of knowing something of the robbery. They said their names were John Hartzell of No. 137 1-2 Ontario street, David Nevill of No. 136 Hoyt avenue and John Danes. The men were at once given a stiff sweat box examination. No charge has as yet been placed against them.

BAKER WAS HELD UP; POLICE GOT VERY BUSY.

CITY SOLICITOR WAS ROBBED OF WATCH AND MONEY—
SCRUTINIZED MEN DETAINED AT POLICE STATION.

A valuable watch, prized as a keepsake, and \$45 in cash were taken from City Solicitor N. D. Baker by three hold-up men at 8 p. m. Wednesday. It was one of the boldest of the many jobs of this kind that have taken place recently.

He had been at the home of Judge Lawrence, 709 Genesee-av, and was returning to his own home, 256 Oliver-st. He went to the home of Mayor Tom and notified the police. Geo. Lackins, West Park, and John Morris, Payne-av and Clifton-st, were arrested on suspicion later. A number of others were taken in during the night on the charge of vagrancy, the police suspecting them to know something of the hold-up.

Baker said he saw the three men leave his yard before he got to them. He said he thought the men were friends who had called, and not finding him home, had started away. When he met them and one put a revolver to his head he

Thought It Was a Joke.

"Don't hold that revolver up there, it might go off," Baker said with a laugh.

"Maybe this will suit you better," said the man with the gun as he lowered it to Baker's heart.

"Well, I don't like it there very well either," Baker said. He still thought it was a joke.

"Well, come on, lets get down to business," growled one of the trio. "Shell out your cash and be quick."

Then Baker knew it was a hold-up. His hands went up and the man who had spoken last went through his pockets.

Baker's home was burglarized a year ago.

Baker appeared at central station early Thursday to find out what was being done to find the men who had held him up. He found almost the whole department running its legs off to catch them. The scores of hold-ups which have been reported during several months past had

Not Stirred the Police

to such action as the single hold-up of Baker. The description of the men was given to all the detectives and officers, and everyone who in any way answers the description of the men was ordered arrested.

Baker acted as prosecutor in police court Thursday and every young-looking man -arrested Wednesday night was closely questioned by him as to his whereabouts at the time of the hold-up.

Among those who came in for this examination in court was Burt Mc-

Ginnis, Collinwood, charged with intoxication.

"What was I doing?" repeated McGinnis. "Well, about 8 o'clock three men were knocking me down

And Robbing Me
on Bond-st."

"Then we can sympathize with each other," said Baker. "That very thing was happening to me."

McGinnis was discharged. While Baker was at central station he took a look at half a dozen young men the police and detectives had arrested on descriptions Baker had given them. Baker couldn't identify any of them, however. He told the police that he had looked into the muzzle of that revolver long enough to notice that there was a dent in it. The police are looking for such a weapon.

"I wasn't much scared," said Baker.

BY A CLOSE VOTE.

Council Refuses to Take South
Brooklyn Matter From
Special Committee.

Mayor Johnson's administration forces received another defeat at the council meeting last night when the South Brooklyn annexation question was brought up. Councilman Erdman introduced a resolution to withdraw consideration of the South Brooklyn matter from the special committee.

Councilman Hitchens interposed with a resolution that the special commission appointed to arrange the details of annexation be asked to make a report, and offered his resolution as a substitute. There was immediate objection, and President Lapp declared the Hitchens resolution out of order. City Solicitor Baker protested that the commission had made its report on the last day of last year, and that the report should be a part of the council records. The Erdman resolution was defeated by a vote of 17 to 15, Dewar voted with the Republicans. Hitchens withdrew his resolution after the vote on the Erdman resolution.

CITY SOLICITOR BAKER WILL
sue the surety company on the bond
of C. A. Patterson, former cashier
of the water works department, for
the \$2000 Patterson says he was
robbed of last December.

Can't Go Outside the City.

City Solicitor Baker yesterday decided that the city could not enter into contract with neighboring villages and cities to dispose of the garbage in those places. The opinion was called forth by a request that Cleveland take care of the garbage from Bratenahl.

VALUABLE, SAYS NEWTON BAKER

City Solicitor Prizes His Experience With the Bold Hold Up Men.

Might Have Kicked Big Fellow, Others Might Have Run—and Might Not

"To be held up is a valuable experience."—Newton D. Baker.

Mr. Baker knows. He was held up Wednesday evening in the most approved manner. None of the essential details of a successful hold up was omitted. There was a revolver, low browed thugs, gruff voices, "throw-up-yer-hands" talk and all the side lights.

Between hold ups and house breakings Mr. Baker prefers the hold up. He is now familiar with both forms of evil doing, his house having been looted about a year ago.

There was much inquiry of Mr. Baker yesterday as to the sensations of being held up and as to the proper code to follow in such an emergency. Ready to impart information that might be a guide



"I looked up to see a revolver."

to others, Mr. Baker was willing to set forth his adventure together with some of his mental processes during the affair.

"I was coming down Oliver street from Euclid avenue," said Mr. Baker, "and as I neared my home I noticed three men approaching from the north. I did not glance at them very closely, though, for it was raining and in one hand I carried my umbrella, while under another arm I had a box of cigars. When as I was almost directly in front of the men one, the larger of the three, stopped me.

"I was about to ask them what they wished and was still wondering what they wanted, when the large fellow began speaking gruffly. I then glanced up and found a big revolver at my face, only a few inches away. Almost at the same moment the other two fellows both in the rear, grabbed my elbows.

"Throw up your hands," was the first command. I obeyed immediately. It flashed through my mind that I might possibly be able to throw the gun up and give the fellow in front of me a kick, sending all three scurrying away, but it also occurred to me that it might not work out that way.

"Throw up your hands" came the command again.

"Why, my friend," I said, "I have them as high as I can get them now." That revolver in my face began to bother me then.

"Take it down, won't you? I am unarmed and have no thought of resisting," I said.

"The big fellow did take the gun from my face but in lowering it he got the barrel pointing to the region of my heart.

"That is just as unpleasant," I said to him, but he didn't move it very far.

"Meantime his two partners had begun



"They told me not to turn around."

going through my pockets. They took out my big purse. There was \$45 in it. After they had taken the money I said to them:

"Now give me my purse back. It contains a number of papers valuable to me, but of no use to you and its possession would only injure you, since my name is on it and also on several papers in it."

"Give it to him," commanded the big fellow with the gun.

"I give him nothing," was the response from one of the little fellows. All this was said down in the throat, all of the men trying to disguise their voices.

"After a while the big fellow with the gun again demanded the return of my pocketbook from one of the others. On a second refusal he took it away from his partner and handed it to me.

"Now, who the — are you?" demanded the big fellow after they thought they had completed their work.

"I'm Newton Baker," was my reply. In answering I considered whether I should add police prosecutor but I thought, now if I say I am the police prosecutor they will probably think that I will give the alarm quicker or cause greater efforts to be made to cause their arrest. So I didn't say anything. I wasn't much afraid of the men.

"The men then ordered me to walk straight down the street and not to turn around as I valued my life. After walking down the street a short distance I finally turned around. None of the men was in sight."

City Solicitor Baker was at the police station yesterday morning and vainly scanned the long line of prisoners for the men who held him up Wednesday night. A number he closely questioned as to their conduct on the night before, but could learn nothing. The search for the men is being continued vigorously by the police.

QUESTION GOES TO JUDGE WING

A Perpetual Injunction Suit Against Low Fare Franchises Submitted.

No Testimony Taken, Case Resting on Pleadings and Arguments.

The hearing on an application for a perpetual injunction against the Woodland and Central avenues 3-cent fare franchises was held before Federal Judge Wing in the United States circuit court yesterday morning. A big array of legal talent represented both sides, or all sides, in the triangular contest.

Attorneys for the city and for the Forest City Railway Co. sought to defer the hearing on the ground that the situation called for a complete showing of the evidence.

"The case is on the legality or the illegality of certain contracts," said City Solicitor Baker. "The evidence on this point is contained in a great many different ordinances and franchises, all of which have important bearing on the present matters. Only two of those franchises are in evidence before the court today. All of them ought to be pleaded and placed in evidence before a question so momentous to the people of Cleveland is decided permanently."

Judge Sanders, for the Cleveland Electric Railway Co., held a different opinion. He said that Baker was apparently occupying an absurd legal position in asserting that it was possible for him to make a stronger case than set up in his answer. The arguments proceeded in this technical line, City Solicitor Baker representing the city and Attorney D. C. Westenhaver the Forest City Co.

Department of Parks Fares Best in Assignment of Funds.

Mayor Johnson and the heads of the various departments at a long conference held in the mayor's office yesterday afternoon completed a schedule of the proposed bond issues. The administration decided to ask for authority to issue the full \$2,050,000 worth permitted under the law, this sum being 1 per cent. of the city tax duplicate.

In the estimates as agreed upon every department of the city is cared for and such work will be done with the money secured as is considered only the most essential and necessary. Bonds for a new city hall, however, are not included in the completed schedule. Several other contemplated improvements were also dropped, the more important in this list being a new bridge at the foot of Erie street. The city was stopped from securing money for other purposes by reason of City Solicitor Baker's opinion that issues for the city hall, public work in street intersections, etc., must be a charge under the Longworth law.

BAKER HOLD-UP WAS ONLY ONE OF MANY SUCH JOBS.

EAST-ENDERS ARE VICTIMS OF THUGS AND BURGLARS— DETECTIVES IN DISGUISE FAIL TO CATCH SOLICITOR'S ASSAILANTS.

Desperate young thugs in East-end streets are "sticking up" people at the muzzles of revolvers, while others with steel "jimmies" concealed beneath their overcoats range through the avenues with their eyes on the lights of the houses. Reports of their operations are hidden by the police at headquarters. No one but

evening, and robbed of watch and money. The police tried to keep the news of that hold-up from the public. Within a week news of half a dozen

Hold-Ups and Burglaries in the East-end, hidden by the police, have come to light.

One of these was the burglary of an East-end jewelry store. The burglars were after the gold and jewels in the safe. They burglarized a blacksmith shop for tools and the next night worked on the safe in the jewelry store undisturbed. They bored a hole in the safe and failed to open it only because their tools were too soft.

The day before it was revealed that the office of the Home Ice Co. on Willson-av had been burglarized three times within four months.

Within a few days the news of two hold-ups on Woodland Hills-av, within a block of each other, came to light. One of the victims of the thugs was a man escorting a woman on the street. The other was the driver of a laundry wagon. The highwaymen stopped the horse and one jumped into the wagon from behind. The driver beat them off.

These reports were revealed by accident after some of them had been hidden by the police many days. The report of the hold-up of Newton D. Baker, Wednesday night, was made public only after the newspapers had told nearly every reader in Cleveland about it.

The suppression of news of hold-ups and burglaries

Became Most Strict

last fall, when the many crimes then being reported brought down some criticism on the police. The entire detective force was gagged. Most of the reports of hold-ups and burglaries previously suppressed are

turned over to them. Formerly all these formal reports were sent to the city hall. There was chance of leakage there.

Jan. 1 a new rule went into effect. Now all these reports are kept at police headquarters, where they remain inaccessible.

For the suppression of reports of hold-ups and burglaries, the following explanations are made:

"People who are robbed don't want their names in the papers."

"Publication of these reports may needlessly alarm the public."

"Some of the reports are fakes."

"The police have to investigate the reports. They can't give them out until they know they're true."

"If the crooks saw that the reports were made public they would know we were after them."

"The reports are not suppressed."

Meanwhile police and detectives are running their shoes off in an effort to

Catch the Hold-Up Men

who robbed Solicitor Baker. Detective Sergt. Doran with a squad of his men took personal charge of the search of the detectives. The receipt of the report of the robbery of a city official stirred up the department Wednesday night as a murder might have done. There were hurried consultations with the captain in charge at central station, and lieutenants of two precincts went out on the streets themselves. Thursday night the search was still hot. A clever scheme to trap hold-up men that has so far been unsuccessful was being tried. Policemen in plain clothes, disguised as residents of the East-end, wandered through streets in hope that the hold-up men would hold them up. One of the squad wore a dress suit. Another, to complete the disguise, smoked cigars. Each strolled alone in a good imitation of a well-fed, care-free air, and with one hand on a revolver in his pocket. At police headquarters Friday it was reported that the hold-up men so far hadn't made any mistakes.



THE DRESS SUIT DISGUISE.

the police know how many are the houses the thugs are prying open or how many of the people of the East-end they are holding up for robbery.

"There are no hold-ups to speak of," say the police. This statement is made a few hours after Newton D. Baker, city solicitor, was held up by three men on Oliver-st, just off of Euclid-av, within a few doors of Mayor Tom's residence, early in the

BAKER UNABLE TO IDENTIFY HIS ASSAILANTS

Following the hold-up of City Solicitor Baker, who lost \$45 and a gold watch last night, sweeping arrests of

vagrants were made this morning by the police.

All the vagrants and suspicious characters were closely inspected and their actions investigated by the city solicitor in police court this morning, but he was unable to identify any of the men as his assailants of Wednesday night.

Bert McGinnis, a brakeman in the employ of the Lake Shore Railroad, was the first examined.

"What were you doing last night?" said Baker.

"I wasn't doing anything," answered McGinnis. "It was some one else who did me. They knocked me down and took my watch and money and then the

officer saw me and arrested me."

"My sympathies go out to this man, your honor," said Baker. "I can appreciate exactly how he feels, and I move that he be discharged."

John Hartzell, David Neville and John Davis, arrested on charges of vagrancy, and supposed to be implicated in the hold-up, were also examined by Mr. Baker. Hartzell and Neville admitted that they had served time in the workhouse and because they could not give a satisfactory account of themselves were each given sentences of costs and thirty days. Davis claimed to be employed at Lorain and will be held until his story is investigated.

MUCH DEPENDS UPON INTENT

City Solicitor Gives Opinion on
Question of Nonresident
School Pupils.

Draws Line on Those Who
Simply Seek Superior Ad-
vantages Free.

Principals are sending in their replies to school headquarters in regard to nonresident pupils attending the public schools in response to a request made by School Director Orr last week. It is claimed that there are many pupils attending school in Cleveland who are nonresidents of the city.

In reference to an opinion on the matter which was requested by Director Orr, Solicitor Baker replied as follows:

"I have your letter of Jan. 10 with regard to the question of the admission of children without payment of tuition who are nonresidents of the city of Cleveland. As you suggest in your letter the matter is not free from difficulty.

"Previous opinions given by me to the board of education have to some extent attempted to suggest the exercise of a sound discretion on the part of the school authorities in the enforcement of what appears to be a mandatory statutory provision.

"The subject is controlled by Section 4013 revised statutes of Ohio, where it is provided 'Schools of each district shall be free to all youth between six and twenty-one years of age who are children, wards or apprentices of actual residents of the district.' Further provision is made for all youth of school age living apart from their parents or guardians who wish to support themselves by their own labor. Beyond the classes comprehended by this language the intention of the statute plainly is that children shall pay tuition.

"Of course the object of this statute is to prevent the sending of children from one school district to another for educational purposes whereby a school district which maintained schools of superior excellence would be called upon to educate at its expense children from other districts where the schools were inferior. It is easily possible to imagine a situation in which children from a number of surrounding districts might be sent to the Cleveland schools and educated at the expense of our school districts to such an extent as to tend both to the overcrowding of our schools and to grave injustice upon the taxpayers.

"Another evil effect which would result from such a course were it permitted freely by the statutes, is that it would be to the interests of some school districts to have their schools so bad that

parents would send their children away to other school districts for education, the effect of this being to deprive those children who were obliged to remain in the district of good facilities and unjustly to decrease the tax burdens of the inhabitants of such a school district.

"From all these considerations it will be apparent, I think, that the intention of this law should be followed and that in admitting children to our schools an effort should be made to limit that attendance so far as free pupils are concerned to the children, wards or apprentices of actual residents, or to those children who, being of school age and living separate and apart from their families, work for their own support.

"Of course in the last analysis it is far more important to the state that its citizens should be educated than that any nice adjustment of school taxes should be made between different districts.

"Hence, in applying the rules which have previously come from this office for the guidance of the board of education and again laid down in this letter, I suggest that whenever the school director is satisfied that a child is in good faith living in the city of Cleveland with some relative or friend who has undertaken the burden of his support and maintenance with but formal adoption and that such child has not really been sent to Cleveland in order to avail itself without cost of the superior educational facilities of our city, that in such cases the evidence should be taken in the form of an affidavit and the child be admitted free. Beyond this, I think, the rule should be enforced."

WON'T ANYONE HOLD KOHLER UP?

Inspector Rowe is Also on the
Market for Enterprising
Footpads.

Main Police Officials Walk
Streets Longing to Meet
Highwaymen.

Chief Kohler deems it a pretty hard matter to get himself held up. In this view Inspector Rowe coincides with his chief. Both believe they ought to know for they trudged the streets for many miles last night and did not chance upon a single hold up man.

It was because of the hold up of City Solicitor Baker that the two police officials doffed uniforms last night and, in citizens clothes, went out into the damp and dark of the night. The police want to capture Baker's hold up men more than they ever wished to capture any other knights of the street.

Detectives put on their best clothes and wandered about all the fashionable streets and streets of other description with the eager wish to pass through the experiences which have been memorable to others. But the reputed horde of highwaymen warily sought cover and the detectives walked unmolested.

Then it was suggested to Kohler that he and his deputy had the appearance of better bait more than any of the detectives and that professional hold up men could hardly resist the temptation to request them politely to stand deliver.

So chief and deputy put on their brightest waistcoats and wore their most valuable diamonds and took long walks. Kohler sauntered slowly in the darkest spots of Euclid avenue and thrice passed the place where Solicitor Baker was relieved of his valuable possessions. Rowe went further east, but when the hour of midnight came both officials went wearily home, unsatisfied and yet satisfied. They somewhat regretted that they were not held up and still felt good in the belief that there was not an extraordinarily large number of highwaymen abroad last night.

"I am satisfied," said the chief last night, "that the few hold ups which have occurred have been committed by youths and that there are no professionals in the city. Cleveland has had less than its logical number of hold ups compared to other cities and a certain number must be expected in a metropolitan city."

HIGHWAYMEN CONTINUE AT WORK

MEN WHO HELD UP CITY SO-
LICITOR BAKER GOT AN-
OTHER VICTIM SUNDAY
NIGHT DESPITE TRAPS OF
POLICE.

The three thugs who held up City Solicitor Baker one night last week and robbed him of his watch and \$45 continue at work despite the efforts of the police to catch them.

Sunday night three men, who answer their description, held up Jas. McClellan, 829 Superior-st., on Lake-st., down town. While one held a revolver to McClellan's head the others went through his pockets. They didn't get much. McClellan reported his loss at central station.

In the East-end the policemen disguised as "society men" in full dress suits and patent leather shoes, continue to tramp the avenues in hope that some robber will hold them up and get caught. Down town a new squad is at work. They are in plain clothes, disguised as "rounders," rather the worse for liquor. Plain Clothes Man Northrup sat on a curb and "played drunk" for three hours Sunday night hoping that the three hold-up men would try to go through his pockets. They failed to turn up, and all he caught was a cold. The plain clothes men were out about the time McClellan was held up.

MAYOR'S FORCES WON HOT FIGHT

Republicans Didn't Secure Rejection of Annexation Commission Report.

"Boodle" a Word Much Used in City Council Last Night.

The administration forces in the city council won a notable victory in the South Brooklyn annexation fight last night, despite the fact that their leader, Mayor Johnson, is confined to his bed by a serious attack of grip. The victory seemed as unexpected as it was decisive.

The annexation question was brought up when a communication from Electrical Workers' union No. 454 was presented. This communication was even stronger in its condemnation of the opponents of municipal lighting than the one presented last week, but none of the Republicans who so vigorously protested against the reading of the former one offered any opposition last night. The new letter particularly charged that in the opinion of the union the annexation proceedings were being delayed through the influences of certain corporate interests.

And after the reading of that letter the word "boodle" in connection with the annexation proceedings became one of free use in the discussion. However, the electrical workers' communication did not lead to direct action. This came when Councilman Hitchens suddenly presented a report of a special committee to the council. This report was signed by Hitchens and Halle. It was as follows:

"Your special committee to whom was referred the report of the commission heretofore appointed by this council to arrange the terms and conditions of the annexation of the village of South Brooklyn to the city of Cleveland, do hereby respectfully submit the following report thereon:

"We respectfully recommend that the report of said commission be not concurred in by the council, that the terms and conditions thereof be rejected and that said commission be discharged."

Even after the presentation of the report there was no immediate action, but after some skirmishing in which Hitchens and one or two lobbyists were engaged, Hitchens finally moved the adoption of the report made by the special committee.

"I would like to ask on what grounds and for what reasons it is desired that the report of the annexation commission be rejected," said Maulberger.

Hitchens responded that the particular objection he had to the report was that it provided for the taking over and operation for a period of ten years of the lighting plant in South Brooklyn. He gave other reasons, but he said the contract relations it attempted to establish with reference to the lighting plant was the main objection. He asserted that, in his opinion, South Brooklyn ought to be annexed, but that the lighting plant should not be considered until after annexation was established.

He also charged that since the installation of the plant taxes in South Brooklyn had increased 50 per cent. and

that in spite of the fact that the taxes were raised the village had to borrow \$5,000 with which to operate the plant and he declared that in his opinion every arc light in South Brooklyn had cost the village \$100 per lamp. Hitchens made the first references to the charges that have been made in connection with the annexation when he referred to the lampooning and abuse that certain councilmen had been subjected to.

Maulberger replied to Hitchens and Horner then took issue with Maulberger. Lewis (Rep.) then startled his Republican colleagues when he declared his opposition to the Hitchens' report, but the sensational part of the proceedings was reached when McKenna (Dem.) openly charged that corporate interests were back of the annexation opposition and asserted that these influences were responsible for the report of the special committee.

Croke, Republican, attacked the report of the commission, bringing City Solicitor Baker to his feet in defense of a report made by a body of which he is a member. Baker made a speech in which he gave the history of municipal lighting plant efforts in Cleveland, together with a history of the work of the annexation commission.

He said that he believed that the Brooklyn plant could furnish arc lights at the rate of \$40 a year and he appealed to the Democrats and Republicans alike, the Republicans, whom he said, "under their new leader, who is giving us a new kind of Republicanism, are now united in their resistance to the influences and tendencies which threaten to demolish popular American institutions."

Baker's reference to President Roosevelt, together with his recital of the fact that workmen were a unit for municipal ownership and that New York city and Boston had taken steps to establish municipal plants, evoked considerable applause.

Haserodt, Republican, attacked municipal ownership under the present administration, and charged that the police force had been used in the last election to influence the result in his ward. Under other conditions he said he was favorable to municipal ownership. President Excell of the safety board, when the police force was attacked, replied in tones of bitter sarcasm and said that if any evidence was presented that any member of the police force had been politically active he would use his utmost endeavor to secure the removal of such member.

"It's got to the stage where men who get up and oppose annexation are put down as 'boodlers,'" then said Haserodt. He demanded that if any man had evidence of this he should promptly present it or else forever keep his peace.

Hitchens spoke in a general way, summing up, and then demanded a vote on the question of adopting the report presented by himself. Dewar voted with the Republicans and Lewis with the Democrats on roll call, resulting in a tie vote. President Lapp cast his ballot with the administration forces and the victory was won, the council rejecting the report of the special committee.

MUST WAIT ON JUDGES.

When Courts Act the City Will Know What It Can Do With \$2,000,000.

"The sinking fund of 1862, now aggregating \$2,000,000, is in litigation," said City Solicitor Baker yesterday. "Until this litigation is completed it will be impossible for me to say whether or not the money can be used in building the new city hall."

The money is the result of the annexation of Ohio City to Cleveland, and is held in trust by a sinking fund commission for the benefit of the first seven wards of Cleveland, as Cleveland was then districted. Since the new city hall will be in that territory the propriety of using the money for the municipal building has been suggested, but Baker will not give an opinion concerning the matter until the present court cases are decided.

ARRESTS BY THE SCORE.

Police Determined to Catch Men Who Held Up City Solicitor Baker.

The lodging house habitues and the tramp element look not upon hold ups with a kindly eye, especially if it so happens that the hold up is that of a prominent city official. Many of the unemployed have decided, too, that it behooves them to secure work and not loiter about the street corners and saloons. Also, it has been learned that it is not safe to travel in trios.

All this thought and the coming of numerous reforms have been influenced by an unwonted activity among police officers. The activity has meant a host of arrests, and has as the basis of its energy the hold up of City Solicitor Baker.

The men who have already been arrested in connection with the Baker hold up run well above twoscore. Rare has become the day when a new trio does not arrive at the central station in the patrol wagon. They are promptly escorted to the detectives' headquarters and there the secrets of their lives are exposed by "sweatbox" examinations. Most of the time these secrets are but the ordinary events of a tramp life.

The arrests increased in number despite Chief Kohler's announcement that two of the men probably were in jail. Apparently the third man was the one most wanted or the police officers doubted that the right men were arrested.

Tuesday half a dozen men were rounded up by detectives and plain clothes men, but evidently examinations did not bring forth good results, and like their predecessors the men escaped with vagrancy charges.

But yesterday the police declare they struck a warm trail and in the afternoon three additional men were rounded up and unlike the other prisoners more definite charges were placed against them. True, the charge is only suspicion, but it is stated that it may be changed.

The men arrested yesterday by Detectives Mooney and Reiser gave the names of Paul Martin, No. 11 Delaware street; John Freeman, No. 55 Bethel alley, and John Behan, No. 78 Oregon street. The police say they also expect to connect them with the hold ups which occurred near the spot where Mr. Baker was stopped.

The police claim to have secured trace of the watch which was obtained from the solicitor.

HOLD UP MEN AGAIN.

Trio That Held Up City Solicitor Baker Made Reappearance Near Oliver Street.

The trio of hold up men, who stopped City Solicitor Newton D. Baker last week and relieved him of his valuables, made their reappearance last night in the same role, the second time since the encounter with the solicitor.

An unknown youth was stopped at Commodore and Superior streets just a block from Oliver street, where Mr. Baker was held up. One of the three men asked him for the time and the youth, warned by the accounts of the previous hold ups, at once began to scream. One of the men drew a revolver and stretched the young man on the sidewalk with a blow from the butt end. Three men hearing the screams started toward the group on a run and the men fled.

The youth, who had been knocked down, neglected to report the matter to the police, but one of the men in the party of rescuers told a patrolman about it. The police of the second precinct are looking for the victim of highwaymen as well as the latter.

\$139,000 TO BUY LAND.

Money Taken From City Hall Fund Used to Purchase Property on Wood Street.

The city hall fund, secured through the payment of gas money to the city, was again raided yesterday to the extent of \$139,680. The board of sinking fund trustees authorized the transfer of this fund to the city hall commission for the purchase of three parcels of land on Wood street, for use in the proposed mall.

The transfer was not made without a protest from President Whitelaw, but he finally consented to it. Mr. Whitelaw took the position that if the fund had been created for the purpose of redeeming bonds issued for a new city hall it ought to be spent in that manner, rather than used for buying land for the mall.

Member Howe said he understood that there was no longer a city hall fund, asserting that all money paid in by the gas companies, as a result of franchise rights, went into the general fund of the city. The council had appropriated from the gas or so-called city hall fund \$268,000 for the city hall commission, and such being the case the action of the sinking fund trustees in formally making the transfer was perfectly legal.

"I don't think I would conduct my private business that way," said Mr. Whitelaw, but he gave way to legal opinions from City Solicitor Baker and the opinions of other trustees and the transfer was regularly authorized.

The money secured will be used in paying for the American Express, the C. C. Sigler and the W. B. Hoyt properties.

WANTS ITS LOSS COVERED.

City Sues C. A. Patterson and Bonding Company as Sequel to City Hall Robbery.

The city yesterday brought suit against C. A. Patterson, former cashier of the waterworks department, and the American Bonding Co. of Baltimore for \$3,958, the amount of money which was stolen from Patterson's desk in the city hall Dec. 7. The bonding company was on Patterson's bond to the extent of \$5,000.

City Solicitor Baker brings the action in the name of the city. He says that Patterson was appointed to his position in the waterworks department in December, 1903. The bond in question, which was signed by the American Bonding Co., is set up to be conditional on Patterson's "faithful, honest and impartial performance" of his duties. The petition briefly recites that on Dec. 7 Patterson had in his possession the sum of \$3,958, which he was charged by law to pay over to the city treasurer.

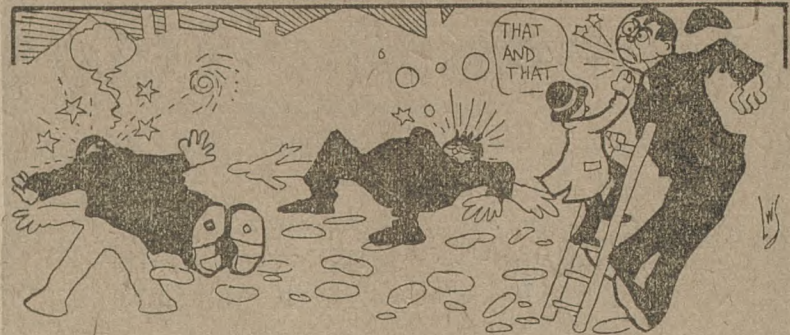
This, according to the petition, was never done. The petition says nothing about the theft of the money. It simply pleads the facts that Patterson had the money, that it belonged to the city, and that the city never got it.

It is claimed in the petition that Patterson "wholly neglected and refused so to do," in violation of his duties and his bonded obligations. The claim is set up that Patterson "did not faithfully and impartially discharge" his duties.

The object of the present suit is to subject the bonding company to liability for the city's loss.

BAKER MIGHT EASILY HAVE FOILED THE HOLD-UP MEN.

THEIR GUN WASN'T LOADED AND SOLICITOR COULD NOT HAVE BEEN SHOT IF HE HAD SHOWN FIGHT.



IF BAKER HAD KNOWN IT WASN'T LOADED.

The revolver with which City Solicitor Baker was held up by three men a week or two ago was as harmless as a sausage. It may be that empty revolvers have figured in all the East-end hold-ups this winter.

Chief Kohler announced late Thursday that the trio under arrest had confessed. The statement that the revolver was unloaded is a part of the alleged confession. Its truth seems borne out by the fact that the revolver when found at the home of the men was loaded with blank cartridges. The three said it was never loaded with anything more dangerous.

"With unloaded revolvers they took no chances of being arrested for carrying concealed weapons and the unloaded weapon seems to serve as well as any," was the comment of Inspector Rowe.

So to have saved his watch and \$45 Solicitor Baker need only have followed Chief Kohler's often repeated advice. Instead of throwing up his hands at the command, he should have

Doubled Up His Fists,

punched the man with the gun in the eye, and delivered an upper cut against the ribs of the man going through his pockets. By that time, as Chief Kohler figures out, all three hold-up men would have been running down the street.

Better still, he might have banged one thug on the point of the chin, delivered a knock-out blow on the solar plexus of another, grabbed the third and called the police.

This leaves jin jitsu out of the reckoning. Calling the Jap method of assault and battery into play Baker would seize one man by the wrist. Then a quick move here and a twist there, pressure

On a Vital Spot

and he would have bumped the heads of all three men together, tossed them into a fence corner and called the ambulance.

"It's just as I've always said," said Chief Kohler. "If you're held up, fight 'em."

As it stands, Baker has his watch back, but the hold-up men have "blowed in" the \$45. The watch was

found in an Erie-st saloon, where it had been sold for \$7.

The confession announced by Chief Kohler was secured after a sweatbox session that lasted all afternoon. Kohler, Rowe, Doran and Baker had a hand in it. Paul Martin, aged 23, was the first to give in under the fire of questions. He has a wife and a baby. Kohler says he has had regular work in a machine shop at fair wages. Some time afterward, Kohler says, Freeman and Behan, both 21 years, owned up. Each one

As He Confessed,

Kohler says, denied that the others had anything to do with the hold-up.

Finally, as Kohler announces, all three told of meeting in a saloon on Buell-st, near their homes. They started out on St. Clair and Superior-sts, and walked east to Perry-st, around to Euclid-av, and down to Oliver-st, when they met Solicitor Baker—the first man who looked "good." The rest is history.



"Oh, Grace, isn't that that nice little Mr. Baker over there?"

"Yes, but don't look at him. He's so sensitive he'll think you are wondering how anybody could have the heart to hold him up."

ACCUSED BY BAKER

THREE MEN ARRAIGNED IN POLICE COURT WERE THE ONES WHO ROBBED HIM, CITY SOLICITOR SAID.



Three men charged with the robbery of City Solicitor Baker, accused of another hold-up Sunday night, and suspected of a score of others during the past two or three months, were behind the bars at Central police station Thursday. A trio of thugs whose description, the police say, these three answer, has terrorized the whole East-end for weeks, and the capture early Thursday ends a search in which the entire detective force and 150 patrolmen have taken part since the Baker hold-up.

The prisoners give their names as Paul Martin, 11 Delaware-st; John Freeman, 55 Bethel-al, and John Behan, 78 Oregon-st. They were picked up at 2 a. m. on a down-town street by Detectives Reiser and Mooney. Early in the evening the word went out from police headquarters to bring in

Every Young Man

with a known police record who could in any way answer the description of the Baker thugs.

The detectives had been for longer than a week trying to find the men and had failed. Meanwhile men

were being held up by a trio of young fellows whose descriptions and methods tallied closely with that of the three who robbed Baker. Several men on whom the hold-up men found nothing were brutally beaten.

The throwing out of the police dragnet Wednesday night was a last resort and it won. A half dozen young fellows had been brought in at headquarters when Mooney and Reiser arrived with their three prisoners soon after 2 a. m. The men were locked up as suspicious persons. Later in the morning Solicitor Baker at central station identified all three as his assailants.

Baker was in court when the three were arraigned on the new charges of robbery. All three were tall, slender young fellows. Behan, whose hair is red and eyes are piercing, was identified by Baker as the man who held the revolver under his nose and was the apparent leader of the gang. Martin is 23 years old and the other 21. Freeman was arrested less than two weeks ago on a

Charge of Burglary,

but was released on bail.

Prosecutor Gott told the court that other charges were pending against both Freeman and Behan. At his request the bail for these two was fixed at \$4000, as much as is sometimes required in murder cases. Martin's bail is \$1000.

In court with Baker was T. J. McQuillan, 829 Superior-st. He was held up and robbed by three men on Lake-st Sunday night. He identified the trio as his assailants, and new papers charging robbery were issued at once.

Thursday, after the hearing, the prisoners were put through a sweat-box session at central station. The police haven't found Baker's watch. The hold-up men got \$45 from him besides the watch, and \$12.50 from McQuillan. Other victims of "three hold-up men" will be brought to the station to look at the prisoners.

Among the other prisoners caught in the dragnet Wednesday night and Thursday are two thought to be connected with the Superior-st jewelry robbery Thursday.

ASKS CONCON TO PAY.

BAKER SENT A BILL FOR \$10,240 TO PRESIDENT ANDREWS.

President Andrews, of the Concon, Thursday will receive a bill from Solicitor Baker for \$10,240, marked "Please remit."

And if the Concon doesn't remit, it will be sued or its franchise on Euclid-av, from Erie to Perry-sts, may be forfeited, Baker says.

The Concon got this franchise from the Farley administration, in 1900. One of the conditions was that it was to pay for 16 feet of paving along the right of way. But the city failed to press the point and the Concon didn't volunteer to make good.

Server Springborn, in looking over the franchise a few days ago, found the item, figured up the cost and notified Baker.

TALKING TICKETS EARLY.

Politicians of Both Parties Seeking Strongest Candidates for Fight Next Fall.

Although definite action will probably be postponed until after delegates have been selected to the Republican state convention, even now there is considerable talk among the politicians concerning the personnel of the county and municipal tickets to be put in the field next fall. It is known that Democratic leaders have already discussed the feasibility of nominating Newton D. Baker for probate judge. In this event, as the cards now read, Charles J. Estep will be the favorite for the nomination for city solicitor, the post now filled by Mr. Baker.

CHARACTER AND WORK LAUDED

**Bench and Bar of Cuyahoga
County Give Banquet for
Judge J. C. Hale.**

**Addresses by Able Jurists of
Cleveland and Northern
Ohio.**

One of the most notable gatherings of the bench and bar of Cuyahoga county in recent years paid tribute to Hon. John C. Hale, the retiring judge of the circuit court, at the bar banquet at The Hollenden last night. About 150 members of the Cuyahoga Bench and Bar association were present and together with a number of jurists from other parts of the state expressed their regret of his retirement. The common pleas, circuit and supreme courts were well represented.

The banquet was held in the large banquet hall which was simply decorated with lilies for the occasion. The toastmaster's table, which was in the shape of a crescent, was occupied by the supreme and circuit court judges. The tables were decorated with red candelabras and at each plate was a white carnation. The menu card was embossed with a photograph of Judge Hale.

Attorney Virgil P. Kline was the toastmaster of the evening. The toasts were responded to by Homer H. McKeenan on "The Court Below Two Courts," Hon. J. B. Burrows, chief justice of the circuit court, on "The Court Between Two Courts;" Judge W. T. Spear of Elyria on "The Court Above Two Courts," in the absence of Hon. William Z. Davis, judge of the supreme court; City Solicitor Newton D. Baker on "The Attorney and Client with all the Courts Ahead."

City Solicitor Newton D. Baker referred to Judge Hale in terms of admiration and spoke of his kindness to young men and of the qualities that made it possible for him to be a great lawyer and a great man at the same time. Judge J. A. Shank of Dayton, also spoke of Judge Hale's life and achievements in glowing terms.

FAVORABLE TO THE CITY.

**Decision Says County Must Pay All
Election Board's Expenses Save
Cost of Registration.**

"Every contention made by the city has apparently been sustained by the decision of the attorney general, covering election expenses," said City Solicitor Baker last evening, "and in addition the decision says, which is of much greater importance, that the city auditor has the authority to audit the accounts of the election supervisors just as he does those of other departments."

Until the present time the expenses of the supervisors have been about equally divided between the county and city and this arrangement would probably have been continued had not a difference arisen over the force of clerks in the super-

visors' office. A long wrangle followed, in which the supervisors claimed that the city had no right to question expenditures made by them.

The matter was then submitted to the state bureau of accounting. The city's position was sustained by this body and then through the efforts of Frank Gentsch the matter was placed before the attorney general. The opinion of Mr. Ellis was received yesterday and goes far beyond even what City Solicitor Baker and other city officials expected. The decision holds that all expenses of the supervisors except the cost of registration must be borne by the county.

The supervisors held a special meeting to discuss the opinion last evening and will take it up with Mr. Baker this morning. The salaries of two of the clerks in the supervisors' office have been held up for several weeks and just how they will be paid will be a question to be determined today.

OFFICE LEGAL; POWERS SMALL

**City Solicitor Thinks Boiler In-
spector Should Have
More Authority.**

**New Measure to Remedy
Faults of the Present
Law Being Drawn.**

City Solicitor Baker in an opinion to President Excell of the board of public safety yesterday decided that the office of boiler inspector is a legal one, but suggested that the present city ordinances be amended or a new ordinance passed so as to give the boiler inspector sufficient power to make his orders effective.

The decision of Mr. Baker was asked for in connection with a boiler explosion in the Vulca building two weeks ago, in which two men lost their lives. After the explosion it developed that the boilers had never been inspected by the city authorities. In seeking for a cause it further appeared that the office of boiler inspector was looked upon as practically useless, as an office for a position, in fact, rather than one of usefulness and benefit to the city.

This condition of affairs was declared to be due to an apparent conflict between state laws and city ordinances. To decide the matter definitely the city solicitor was appealed to.

Mr. Baker not only says that the office of boiler inspector is a perfectly legal one, but says, in addition, that the passage of the new code by the state legislature repealed old laws which placed the city ordinances in conflict with them.

The city solicitor, however, seems to take the ground that present city ordinances are not general enough in their powers to give the inspector sufficient authority and he suggests an appeal to the council. Baker thinks legislation should be passed making certain duties and powers of the inspector that are now uncertain.

Contemplating a decision such as has been rendered President Excell of the safety board has been working on a new boiler inspection ordinance and this will undoubtedly be presented to the council in the near future.

The ordinance will endeavor to give to the inspector power sufficient to compel the keeping of boilers by owners in such condition that the chances of accidents will be reduced to a minimum. There is little likelihood that the council will offer any objection to the passage of a new measure, it is thought.

BAKER WANTED HIS WATCH.

**Police, However, Refused to Give It
Up Till Highwaymen
Are Tried.**

The three bold highwaymen who took City Solicitor Baker's watch and money a week ago have been bound over to the grand jury. They were arraigned in police court yesterday, charged with the Baker robbery and with a hold up of Thomas McQuillan of No. 829 Superior street. Each waived examination and were held for the court of common pleas under heavy bail.

The chief feature of their appearance in police court, however, was the city solicitor's endeavor to get his watch. The timepiece was recovered Thursday by the detectives and was produced in court as evidence.

"I want it," said Mr. Baker.

But here arose the police and said that Mr. Baker couldn't have his watch until they got through with it. It is held as evidence, and as evidence it will have to stay until after the trial is over.

The three lads who did the holding up, Paul Martin, John Freeman and John Behan, said nothing in court. They were not represented by counsel, and asked that they be held to the grand jury in the two cases.

Freeman and Behan both are under bail in police court awaiting a hearing in a case of burglary.

ADMITS BILL HASN'T BEEN PAID.

**Andrews Refers to Special Agree-
ment for Paving Euclid.**

President Andrews of the Cleveland Electric Railway Co. in a letter to City Solicitor Baker yesterday morning says that the claim of the city arising out of the Euclid avenue extension has not been paid by the company. Mr. Andrews says, however, that he believes some agreement was made between Mayor Johnson and the former management of the company relative to the matter.

Henry Everett, former president, is out of the city just at present but as soon as he returns Mr. Andrews will take the matter up again.

COUNCIL CANNOT ACT.

**It Has No Power to Give Employees
Extra Pay for Working
Overtime.**

City Solicitor Baker yesterday, in reporting upon the resolution by Councilman Haserodt that all city employes be paid time and one-half for all overtime, said the council had no power to pass such legislation.

"The council is without power to legislate upon this subject," reported Baker, "but there is no legal objections to its making a request."

ANNEXATION PLAN WAS BEATEN.

OLD COMMISSION OUT AND NEW ONE NAMED—WILKE HAD UNPLEASANT MOMENT.

The council killed the South Brooklyn annexation ordinance Monday night.

Again charges of boodle were made freely, both on the floor and in the lobbies, and when the council adjourned, there was a demonstration against Wilke. "Hang him!" "Get a rope!" were some of the pleasant suggestions made to him by the crowd that surrounded him. Wilke was led away by his friends.

The annexation ordinance was on its third reading. Inasmuch as Hitchens, Felton, Croke and several others had stated on the floor that they would vote for annexation, the result was a surprise.

Lewis was the only Republican to vote for the measure, and he explained that his constituents demanded it. Dewar and Wilke, two of the Democratic indians, voted against it. Maulberger, Democratic floor leader, changed his vote in order to reconsider the vote later, but the Republicans

Beat Him to It.

Horner then moved that the commission be discharged, and it was carried. City Solicitor Baker warned the council that such action meant that South Brooklyn could not be annexed until after another election. He declared there was no authority to discharge one commission and name another. But Horner named M. P. Mooney, Geo. E. Harbaugh and T. J. McManus to reopen negotiations, and the council confirmed them, although Harbaugh is not a resident of Cleveland, and his appointment will nullify the commission's acts, according to Baker.

Next, the combine took up another ordinance, annexing a portion of South Brooklyn. Solicitor Baker urged them not to act on this. Hitchens insisted and Baker said:

"It is to complete the triumph and show the domination of the Cleveland Electric Illuminating Co."

Hitchens talked some more, and Baker said:

"Mr. Hitchens, you said you would vote for annexation, and you voted against it. Will you tell the council what is the real motive behind your action tonight?"

Baker was calm, but the emphasis on the word real brought Hitchens to his feet in a rage.

"The Electric Illuminating Co. never had anything to do with me," he exclaimed.

"I never said it did," was Baker's retort, "but it often happens that

Good Men and Bad Men

get on the same side of a question. This happens tonight, and there is joy in the house of the illuminating company over it."

Hitchens said the administration had packed the lobbies.

When the vote was being taken on the ordinance Croke voted "aye." Horner made a megaphone of his hands and yelled, "No, no!" Croke looked startled. Then Walker voted aye, and Horner turned around, exclaiming, "No, no!"

Walker and Croke changed their votes. This ended the annexation fight.

WILL COME UP ON FEB. 11.

Lake Front Cases Against Railroads Soon to be Brought Before Judge Tayler.

City Solicitor Baker stated last evening that the noted lake front cases of the city against the Lake Shore, Big Four and Pennsylvania railroads would be taken up in the United States circuit court before Judge Tayler on Feb. 11. The cases will come up on a motion for a new trial, filed by the city.

The cases were decided adversely to the city by Judge Hammond, sitting here temporarily a number of years ago. Immediately afterward a motion for a new trial was filed, but Judge Hammond refused to take it up. His death a short time ago threw the case into the hands of other judges and it will now be argued before Judge Tayler.

POWER TO BEGIN PROCEEDINGS.

Courts to Settle Dispute Over Land at Grade Crossing.

The council last night passed under suspension of the rules a resolution giving City Solicitor Baker authority to begin court proceedings to condemn land necessary in the work of abolishing the Nickel Plate grade crossing on Detroit street.

Despite lengthy negotiations the city and Edgewater Land Co., owing the land, have been unable to reach an agreement relative to the property and the court proceedings are now necessary.

NO INCREASE THIS TERM.

Baker Passes on Proposed Salary Advance for Schreiner.

City Solicitor Baker yesterday practically killed the ordinance granting Police Clerk Paul Schreiner an increase in salary of \$500 a year.

Baker declared that there was no objection to the council passing the ordinance, but he held that Schreiner could not secure the benefit of the increase during his present term.

Condemn the Land.

City Solicitor Baker was authorized by the council Monday night to begin condemnation proceedings to abolish the Nickel-plate's Detroit-st grade crossing. The Edgewater Land Co. and the city could not agree on the price of land needed by the city.

MORE THAN WAS PLANNED.

Court Decisions Make Issue of \$200,000 Worth of Additional Bonds Possible—\$190,000 Authorized.

Ordinances providing for the issuance of \$170,000 worth of bonds for sewer district purposes and \$20,000 for the Boys' farm school were passed by the council last night.

Measures authorizing the following issues were reported favorably by the finance committee, but owing to technical changes in the language had to be amended and were simply placed on second reading:

Intercepting sewer \$200,000, street openings \$200,000, bridges \$100,000, river and harbor \$50,000, Morgana sewer \$25,000, grade crossings \$500,000, fire department \$30,000, street improvements \$531,000, and the city's portion of street paving, \$200,000.

City Solicitor Baker reported with reference to the last named issue that it was not a charge against the Longworth act, as he formerly reported. The courts lately decided otherwise. This decision, therefore, gives the city the opportunity of issuing \$200,000 worth more of bonds than planned.

The finance committee reported back ordinances granting \$375,000 for park purposes, \$100,000 for hospitals and \$250,000 for the water department with amendments. The committee wants to reduce the park issue to \$200,000, hospitals to \$85,000 and water bonds to \$200,000.

The council, however, failed to adopt the amendments and these ordinances, with one providing \$20,000 for a public bathhouse in Newburg, were referred back to committees.

BAKER CALLED WILKE.

Conference Held Between City Solicitor and the Councilman.

City Solicitor Baker sent for Councilman F. W. Wilke Saturday. Wilke arrived about 11 a. m. and was closeted in the solicitor's private office for nearly an hour.

At the end of the mysterious conference, both men left the building hurriedly, both declining to say what was the nature of the conference.

An enraged crowd of 400 24th warders moved down upon the home of Wilke, Crum and Woolsey-sts, Friday night.

Two policemen, sent there by the department, were swept aside by the crowd, and it left only when satisfied that Wilke had escaped.

Wilke's vote killed the South Brooklyn annexation ordinance Monday night. His constituents called an indignation meeting at Hoffman and Woolsey-sts Friday night. Speeches were made denouncing Wilke. Resolutions demanding Wilke's resignation were adopted and a committee named to present them.

"Let's all go," yelled someone. The crowd took up the cry and moved down upon Wilke's home. But Wilke had been advised and had made his escape with his family. The crowd spent nearly an hour searching for him, but had to give it up.

BODIES WILL JOIN FORCES

N. B. S. A. to Affiliate With Bureau of Information of Retail Lumbermen.

Extends Scope to West and South—J. A. Kling Re-Elected President.

The sixth annual convention of the National Builders Supply association was opened yesterday morning at 9 o'clock at the Hollenden hotel City Solicitor Newton D. Baker delivering an address of welcome in behalf of the city. Mayor Johnson was expected to deliver the address of welcome but was unable to be present. William B. McAllister, president of the Cleveland builders' exchange, made an address of welcome in behalf of that organization. John A. Kling of this city, who has been the president of the association for three years, responded in its behalf, thanking the representatives of the city and the Cleveland exchange for their kind words.

MADIGAN WILL NOT PAY BILLS

Auditor and Solicitor Baker Criticise Board of Public Safety.

Claim Coal Has Been Bought in an Illegal Manner.

"I will pay those bills only when the courts say that I must do so," announced City Auditor Madigan to a coal dealer yesterday, who asked payment for coal furnished the city on the order of the board of public safety. "The bills will never be paid until the question of the legality of the action of the safety board in splitting bills is acted upon by some court."

Madigan has been holding up every bill for coal presented to him by the safety board since last October. There are now twenty of these bills in his office and the total sum called for by them is \$2,602.39. There are probably as many more bills for as large amount standing outside of the auditor's office.

And Madigan is upheld in his position by a decision given him by City Solicitor Baker. The solicitor says that the safety board has no right to split bills.

"The question raised," says Baker, "is the power of the board of public safety to purchase from time to time coal in less quantities than \$500 worth. There is no contract, the coal being ordered simply as needed. Technically it is no violation of the law.

"I am entirely free from doubt that the intention of the general assembly was that the board of public safety should keep account of its needs as to supplies and wherever it could reasonably anticipate that it would need more than \$500 worth the supplies should be purchased by contract."

Baker says that the law plainly means that supplies should be purchased by authority of the council and upon competitive bidding.

"If the practice assumed by the board of public safety a permissible practice, under the spirit of the code," says Baker, "then there is no department of the city government which could not be giving orders from day to day, each order limited in amount to less than \$500, circumventing and nullifying the necessity of councilmanic authorization."

Local coal dealers involved are the Cuyahoga Coal Co., the Zettlemeyer Coal Co., Burton, Beidler & Phillips and the Joff-Kirby Co. By agreement a suit to compel payment will probably be started in the circuit court.

M'ALLISTER MADE ONE TERRIBLE BREAK.

Clevelanders Laughed, But Visiting Builders' Supply Men Didn't Mind.

It was, of course, a fearful break. Though he meant well, Wm. B. McAllister, president of the Cleveland Builders' Exchange, would not have said what he did if he had had time to reflect on how it was going to sound.

McAllister was telling the delegates to the convention of the Na-



WHEN THEY RETURN.

tional Builders' Supply association, at the Hollenden, Tuesday, how glad he was to see them. He spoke brief-

ly of the city's buildings, of the group plan at present on paper and of the government building under process of construction. He said the government building would be a model when finished. He concluded: "I hope you will come again when it is completed."

Visitors applauded, but local men laughed. City Solicitor Newton D. Baker welcomed the visiting delegates and incidentally heaved a bouquet at Mayor Tom by telling a story.

It seems that Mayor Tom was to have delivered the address of welcome, but, being unable to attend, sent Baker in his stead. Baker said:

"When Oliver Wendell Holmes was a comparatively young man, he was asked by Dr. Jones, president of Williams college, to substitute



BAKER TOOK MAYOR'S PLACE.

for him at Dartmouth, where he had been asked to speak. Holmes did so.

"On the train to Dartmouth he met a man he knew, who said: 'I see you are going to fill Dr. Jones' place at Dartmouth tonight.'

"No," Holmes replied. 'Not fill it. Only wabble about in it.'

"And," said Baker, "I am here, not to fill the mayor's place, but to wabble in it."

Then, after a few felicitous remarks by President Kling, of the association, the convention went into executive session.

TIME AND HALF FOR OVERTIME.

Council Adopts Resolution as to Pay of City Employees.

The council last night adopted the Hase-rot resolution providing that all city employees should be paid time and a half for overtime. City Solicitor Baker had reported adversely on the resolution, saying the council had no authority in the matter. It is made as a request to the board of public service.

The McClain resolution requesting the board of public service to notify people living on streets that are to be opened to secure options on needed property in order that the work could be more cheaply accomplished, was laid on the table. Councilman Hitchens opposed it.

Hitchens also opposed the resolution naming Judge Blandin as the arbitrator in the differences existing between the city and W. J. Gayer & Co. The contractors claim that the city owes them \$50,000 for extras in the Walworth run sewer contract. Hitchens wants a tribunal of three members.

The ordinance repealing one authorizing an expenditure of \$20,000 for the removal of the waterworks crib was passed.

BAKER HAS NEW ANGLE TO FRANCHISE CONTROVERSY.

CLAIMS FOREST CITY RAILWAY CO. HAS SECURED IRREVOCABLE RIGHTS WHICH WILL BECOME OPERATIVE NOTWITHSTANDING CONCON SECURES EXTENSION OF ITS GRANT.

City Solicitor Newton D. Baker has a nice point to present to the supreme court of the United States in the matter of the exceptions he took to the ruling of Judge Wing in the district court here, in the case of the Concon against the Forest City Railway Co. If he succeeds in his contention the 3-cent fare company will have secured rights that will prove

Exceedingly Troublesome to the Concon, even should it get an extension of its franchise from the city.

Judge Wing held that the Concon's franchise did not expire until 1908 at least, leaving undecided what effect the granting of the Willson-av franchise had upon the matter of extending the Concon's franchise upon Woodland-av and other lines. He also decided that the ordinance granting a franchise to the Forest

City Railway Co. was void, as impairing contract rights vested in the Concon. About this last point Baker will center his fight in the supreme court should the court indicate a tendency

To Hold Adversely to him on other points.

Baker claims that the ordinance is not void, but that at the most it can only be inoperative pending the expiration of the Concon's franchise. Immediately upon the expiration of the Concon's franchise, Baker contends, the 3-cent fare franchise will become operative and the Forest City Railway Co. can then take over the Woodland-av line. Also, it would seem, no action can be taken to repeal the ordinance granting rights to the Forest City company, for such action would be in violation of contract rights just the same as Judge Wing decided the 3-cent fare franchise to be in violation of the Concon's contract rights.

WILL GO TO HIGHEST COURT.

City Solicitor Newton D. Baker Told Judge Tayler Lake Front Cases Were Too Important to Rest in Lower Tribunal.

Everybody pitied Newton D. Baker, city solicitor, as he staggered under the load of a bill of exceptions in the United States court room Saturday. This bill of exceptions is made up of several volumes containing thousands of pages and was filed with the clerk. It related to the historic lake front cases and told why the city of Cleveland ought to have a new trial.

The lake front case is officially known as the City of Cleveland vs. the Big Four and others. It was tried during the October, 1899, term by Judge Hammond. It was decided against the city. Then a motion for a new trial was filed and Judge Hammond died before the motion could be heard.

It was this motion that Judge Tayler expected to hear Saturday morning. Baker said that counsel on both sides had agreed to ask the court to postpone action on the motion for three weeks. He had supposed until recently, he said, that the court would be obliged to grant a new trial. He decided therefore to file the bill of exceptions, and it is agreed that during the next three weeks all counsel will have an opportunity to examine the bill. And if counsel can agree that the bill is correct the case can go on.

"The court," said Judge Tayler, "is not anxious to try this case again for the sole purpose of making a new record, if it is to go up anyway."

"This cause," said Baker, "is so important and of such a character that the supreme court of the United States will be its final resting place."

The court continued the hearing on the motion until Saturday morning, March 4. Squire, Sanders & Dempsey immediately took the exceptions to their office.

TO BE PART OF BUILDING CODE

Eisenmann and Krause to be Asked to Draft Boiler Inspection Ordinance.

Builders' Committee Makes Report With Rough Outline of Measure.

Secretary John Eisenmann of the building code commission and Smoke Inspector John Krause are to be asked to prepare a new boiler inspection ordinance for Cleveland.

The smoke prevention and boiler inspection departments will be placed under the building inspector, just as it is planned to place all other details of building under the direct charge of such an official.

Since City Solicitor Baker announced that the council had power to provide for

boiler inspection, after the fatal accident in the Vulcan building on Jan. 14, city officials have had under consideration the question of a new inspection ordinance. Investigation disclosed the fact that such work was under consideration by the smoke prevention committee of the builders' exchange. This committee has been at work for many months.

A report is now about to be made. In fact the committee, of which Cecil Saunders is chairman, has already handed the report, including a rough draft of an ordinance, to Secretary E. A. Roberts. The latter will submit it to Krause and Eisenmann within a few days. They will then begin the work of putting it into more complete shape.

For two years Cleveland boilers have not been properly inspected and a new ordinance of some sort is imperative. The city has a boiler inspector, but he asserts that under the present ordinances he has not the power to compel obedience to orders given by him.

The first trouble arose through the passage of a bill by the state legislature providing that when boilers were inspected by surety companies the owners should not be subject to paying a fee to a city inspector for inspection. In fact, the law did not provide for any inspection of such boilers by the municipality. Later this law was repealed, but the boiler inspector continued practically powerless.

Search for the cause was made after the Vulcan building accident. Solicitor Baker, when appealed to, rendered the opinion that the city had full authority, but that its ordinances were inadequate.

The work of the builders' exchange was then learned of and the submitting of some legislation on the subject to the council is expected in the near future.

To Hold Trolley Poles.

Councilman Henry C. Maulberger yesterday requested City Solicitor Baker to prepare an ordinance requiring the street railway company to construct guards over its trolley wires at all railway grade crossings. The purpose of the guards will be to prevent the trolleys "jumping" the wire. Baker will draw the ordinance providing it can be legally enforced.

MADIGAN'S EYE IS ON THE INTEREST

**BAKER WILL DECIDE IF CITY
HAS RIGHT TO TAX
FUNDS.**

**New Code is Not Clear on Point—
City Auditor Made Request.**

There is a difference of opinion as to the right of the city to draw funds from the county treasury in anticipation of the apportionment of the tax collection. A few days ago City Auditor Madigan served notice that he would ask County Auditor Wright for an order on the treasurer for \$200,000.

This money had been paid into the county treasury, but the division of the funds between county and city had not been made. The cash was not actually needed by the city, but so long as it remains in the possession of the county treasurer the city derives no interest from it.

Under the old code there was no question as to the right of the city to draw the cash. The new code is not so clear on this point, and City Solicitor Baker has been asked for an opinion. There is no disposition on the part of Auditor Wright to dispute the city's right, but both sides wish a better understanding of the law.

REFUSED TO BRING SUIT.

**Attorney General Was Asked to
Proceed Against the City
Hall Commission.**

Attorney General Wade H. Ellis has declined to accede to a request made by Attorney George H. Eichelberger of Cleveland, acting for a client, that he bring suit to oust the Cleveland city hall commission.

Ellis calls attention to the fact that the city solicitor of Cleveland has refused to bring suit to determine the legality of the commission's standing. He says that a suit involving the very points raised by Mr. Eichelberger is already pending in the Cuyahoga county circuit court.

Further, the question of the validity of the curative act, which was passed after the supreme court's decision against special legislation, to save the commission, will be determined by the court's decision in the suit brought to test the Cincinnati street railway company's fifty-year franchise, now pending in the supreme court.

"I was simply requested by a client of mine to test the legality of the commission," said Attorney Eichelberger last night. "My client has an idea that the alleged illegality of the commission might invalidate its acts. I do not believe there is anything in the matter to cause any alarm."

HIGHWAYMEN AT MERCY OF COURT

**Men Who Robbed Solicitor
Baker Change Pleas to
"Guilty."**

**Aged Mother of Ringleader
Makes Plea for
Leniency.**

John Freeman, Paul Martin and John Behan, the three highwaymen who held up and robbed City Solicitor Baker a few weeks ago, all pleaded guilty before Judge Beacom in criminal court yesterday. The charge against them was robbery and the maximum penalty for the crime is fifteen years in the penitentiary.

Freeman and his partners had already freely admitted their guilt, but despite that fact and the tremendous lever which it gave the prosecution they each entered a plea of not guilty when they were arraigned. These formal pleas were withdrawn yesterday, when the prisoners pleaded guilty. A number of other charges hang over the trio's heads, but these will either be nolle or else left on the docket to be prosecuted only in case the defendants misbehave in the future.

John Freeman, who is apparently the leader of the trio, is a fine looking young fellow. His mother, white haired and bowed from a life of toil and care, sat in the rear of the courtroom and witnessed the proceeding in all its distressful detail. When Judge Beacom read the formal entry that sounded her son's doom the woman wept quietly. When court recessed she approached the bench hesitatingly.

"Please, your honor," her broken voice faltered, "he's my son and a better boy never walked. He was good to me, but he was wayward. While he had work he was all right. Can't you be good to him for my sake?"

The judge told her he would do what he could for the young man's good.

Freeman's trial was the first to be called. The prosecution had stated its case to the jury and the defense had also been outlined by Thomas Kirby, defendant's counsel. Trial was proceeded with and, after the state's first two witnesses had been examined, Kirby arose and announced that his client would withdraw his plea of not guilty and enter one of "guilty." The state's witnesses were Solicitor Baker and Bert Carrier, an Erie street saloonkeeper.

Judge Beacom promptly suspended the trial and entered the defendant's plea.

Martin's trial was next started, the defendant being brought up to the courtroom from the jail below, but his plea of not guilty was withdrawn before trial began. He, too, pleaded guilty.

"I think that it is the best advice your attorney could have given you," said Judge Beacom to the two young highwaymen. "In view of the state's evidence it was a most judicious action on your part to forestall the verdict and plead guilty. You did right."

All three men will be sentenced tomorrow.

NOT DEAD, BUT SLEEPING.

City Solicitor Holds Low Fare Franchise on Woodland and Central is Simply Inoperative.

City Solicitor Baker has raised a new point in the controversy over the question of the legality of the franchises granted the Forest City Street Railway Co., on the Woodland and Central avenues lines. These franchises were recently declared illegal by United States Judge Wing, on the ground that the rights of the old company had been impaired.

Baker claims that the grant given the low fare company is not void, but that at the most, it is simply inoperative pending the expiration of present franchises. He contends that immediately upon the expiration of the present grants the franchise of the Forest City Street Railway Co. will become operative and the new company can then take possession of the streets.

The franchise rights given the low fare company cannot be repealed either, he holds, for such action would be a violation of contract, just as Judge Wing decided the 3-cent fare franchise violates the contract rights of the Cleveland Electric Railway Co.

SPECIFICATIONS ARE PREPARING.

City Has \$65,000 to Spend in Improving Garbage Plant.

Specifications under which bids for new buildings and machinery for the garbage plant will be received are now being prepared by President Springborn of the public service board. He submitted a draft to City Solicitor Baker yesterday. A number of changes in the phraseology were suggested and the changes will be made by Baker today.

The city has \$65,000 to spend in the work, but it is hoped that the expenditure of this sum will not be required.

BAKER HAS NOT DECIDED.

Euclid Avenue Property Owners Are Seeking Paving Rebate.

City Solicitor Baker has not yet decided whether he will recommend that a part of the \$10,240 collected from the Cleveland Electric Railway Co. for use of Euclid avenue from Erie to Perry streets, be paid to the owners of the property abutting on the avenue between these points. The matter is now on his desk, and he will come to some conclusion before the meeting of the council this evening.

The property owners are seeking to collect a portion of this money on the ground that they paid for the paving of the street for which the company now admits it should have paid.

Goes to Highest Bidder.

City Solicitor Baker, in a legal opinion to President Springborn of the public service board, yesterday decided that the city could not give the storeroom on the ground floor of the city hall, now occupied by a news stand, to the library board for a reading room. Baker says that in letting this room bids must be received for its rental and that it must be rented to the highest bidder. The council is to be appealed to in the matter at once.

TO CONSIDER REPAYMENTS.

City Solicitor Submits Question in Franchise Extension Controversy.

City Solicitor Baker will submit two questions to the council committee on finance relative to the \$10,240 recently paid to the city in connection with the Euclid avenue franchise extension. The committee will consider the matter through the presentation of a resolution to pay a part of the money to Euclid avenue property owners.

In this communication bearing upon the questions to be considered Mr. Baker says:

"The \$10,240 referred to in the resolution is received from the railway company and is based upon the present value of a strip of paving sixteen feet wide extending from Erie street to the private right-of-way in Euclid. I understand that property owners who paid for the paving of this street claim that equitably they should receive one-half of this amount.

"The contract made by the city for paving Petrie street has been completed, but the portion of the street which under franchise granted to the Cleveland Electric Co. should have been paid by that company, has not been paid for; whereby there is a shortage in the amount received by the contract. The question as to how much, if anything, the Cleveland Electric Railway Co. should really pay is one now in controversy. It would seem to me that whatever sum is left in this fund of \$10,240 after paying whatever is determined to be paid to the property owners in Euclid avenue might properly be placed to the credit of the Petrie street paving fund to be reimbursed upon the determination of the controversy between the street railway company and the city. I will be glad to present these questions more fully to the committee if the council desires to re-refer this resolution for an investigation of these questions."

BAKER'S PLEA IN VAIN.

Judge Beacom, in View of Past Record, Could Not be Lenient With Highwaymen.

John Freeman, one of the men who held up and robbed City Solicitor Baker on Oliver street a few weeks ago, was sentenced to five years in the penitentiary by Judge Beacom in criminal court yesterday afternoon. John Behan and Paul Martin, Freeman's partners in the Baker transaction, were each sentenced to the Mansfield reformatory.

Freeman made a strong plea for mercy when Judge Beacom asked him if he had anything to say before judgment was pronounced. He declared that he had always worked hard. Freeman's looks were in his favor, but his record was against him. He has already served one term in the reformatory and its beneficial effects were not so apparent upon him as to warrant the judge in giving him another try at reform.

"That Mansfield affair always follows me," declared the prisoner. "When I got out of there I settled down and worked hard, but a man whom I always supposed to be my friend circulated the report of that thing about so that I had to resign. Then I found that he was after my position and took that means of getting rid of me."

"Mr. Baker has asked me to be as lenient with you as I could," said Judge Beacom, "but I really can not see why I should. However, I will be less severe than I originally intended to be." Then he gave him a five-year sentence. All three of the highwaymen had pleaded guilty to the Baker robbery, but other indictments are pending against each.

MAKES SPECIFIC BRIBERY CHARGE

Mayor Johnson, in Communication to Council, Asserts Dewar and Wilke Were Paid Money to Vote Against South Brooklyn Annexation.

Also Names Fifteen Republican Members Who He Says Were Influenced by Cleveland Electric Illuminating Co. Through Campaign Contributions.

Ordinance Adopted Under Suspended Rules Providing for Trial of the Men Accused Next Monday Night.

MEETING AS QUIET AS OTHERS HAVE BEEN STORMY

Mayor Tom L. Johnson, in public and official communications to the city council last night, responding to the Walker resolution that he make definite and specific any charges he might have against any members of the council, charged H. B. Dewar and F. W. Wilke, Democrats, with bribery in the performance of their duties, and charged that fifteen Republican members of the council permitted their vote on the ordinance to annex South Brooklyn to the city to be influenced by the Cleveland Electric Illuminating Co. All the Republican members, with the exception of Alfred H. Lewis of the thirteenth ward, are specifically mentioned in these charges.

TRIAL SET FOR NEXT MONDAY NIGHT.

Mayor Johnson's communications to the council were presented in four separate documents, and each was taken up in order. First he presented a message and followed this with the charge against Dewar and Wilke. The charges against the Republican members followed, and, last of all, the mayor presented an ordinance providing for the investigation of the charges he had made. This ordinance, which was unanimously passed under suspension of the rules, provides that the trial of the members accused be held next Monday evening, and provides further that a number of well known Cleveland men be subpoenaed to attend at the trial.

SILENCE GREET'S READING OF CHARGES.

Unbroken silence reigned as the clerk began the reading of the mayor's message. There was no break in the silence until after all the documents had been read. Some persons named in the ordinance took their departure as their names were read. None of the councilmen attempted to speak.

As the reading of the ordinance which, among other things, provides that City Solicitor Baker be directed to represent the council in prosecuting and investigating the charges, was concluded, President Lapp said, after a moment's silence:

"Gentlemen, what is your desire with this ordinance?"

His voice was the first to break the stillness prevailing and served to arouse other members of the council.

DEWAR MOVES PASSAGE OF ORDINANCE.

"I move that the rules be suspended and that this ordinance be placed on its second and third readings and final passage," said Dewar.

"Just a moment, please," said Croke, rising for recognition. "In that ordinance there is named the man who is to act as prosecutor of the charges. With all due respect to Mr. Baker I do not believe that in view of his activities for the old annexation ordinance, he is fit to act. The prosecutor should be an unprejudiced person. Under the conditions his investigations of the matter could not be fair.

DIFFERENCE AS TO THE PROSECUTOR.

"I would like to ask the city solicitor if, under the code, it would be possible to name someone else."

"The council always has the power," said Mr. Baker in response, "to authorize the solicitor to employ additional assistance in his office, and while I am speaking I desire to say a word with respect to what has been said."

"In the first place I have not acted as a representative of Mayor Johnson or anyone else in attempting to force anything through this council."

"Secondly, my only zeal in this case would be to get at the facts in the matter. The persons accused have the right to employ counsel in their defense."

Croke then offered an amendment to the ordinance naming M. P. Mooney instead of Newton D. Baker as prosecutor.

"I would like to know the purpose of that amendment," demanded Maulberger. "What we want is the facts. If Mr. Baker has any we should be glad to get them. This investigation should be the most thorough that it is possible to secure and I believe this thing of trying to sidetrack Mr. Baker is a very bad move. It doesn't look well."

Croke responded that the council already had his reasons.

MAYOR DECLARES BAKER WOULD BE ZEALOUS.

"I have not been a party to pressing this thing," said Mayor Johnson, as he secured the floor. "I have submitted the matter to the council in response to the resolution adopted by you. I am not now pressing or urging you to conduct an investigation, but it seems to me that if you do want the facts you should have some one in charge who would try to find out the real facts."

"I am sure Mr. Baker would be zealous in this respect. If you employ Mr. Mooney, whose brother is or was connected with the Cleveland Electric Illuminating Co., and who is a member of your annexation commission, you would at once be open to the charge, and I think a fair charge, that it was not done in a spirit of trying to get at the bottom of the question."

The mayor also cited the fact that the accused could employ the very best attorneys in the city for defense.

Halle said he favored Baker for prosecutor, but also defended Mooney. Croke reiterated his assertion that Baker could not be fair and impartial. He also said that Mooney would be fair, impartial and energetic.

Horner said that there was a feeling that the charges had been brought forward for political reasons, but he felt certain that Baker would not permit political prejudice to dictate his action in the trial.

"It seems to me that after all the council is to be the judge, not Mr. Baker," said Maulberger. "Give the administration every opportunity to prove the charges."

CROKE ALONE VOTES FOR AMENDMENT.

Croke was the only one to vote for his amendment on roll call. Biesinger then fathered the investigating ordinance and on Dewar's motion the rules were suspended and the ordinance unanimously passed. President Lapp signed it while the final roll call was being polled.

EVEN THOSE COUNCILMEN AGAINST WHOM CHARGES HAVE BEEN PREFERRED WILL SIT IN JUDGMENT.

"I expect to spend the greater part of the week preparing for the trial of the councilmen now under charges," said City Solicitor Baker Tuesday. "I may call more witnesses than those that have so far been named. At present I am in doubt in reference to certain provisions of the law which governs hearings of this kind. There is much that must be determined before we begin this hearing."

One of the peculiar angles to the section of the municipal code making provision for an investigation of municipal officers is that it is nowhere specified whether the parties under charges shall have a vote as to their guilt or innocence. The council itself acts as a jury. The guilt or innocence is determined by a vote of the body. In this instance there are 17 members of the body under charges made by

Mayor Tom. This is a majority of the body. If the members under charges were so inclined they could by their own votes clear themselves.

"It's facts that we want," said Solicitor Baker Tuesday. "I believe the people themselves can determine pretty well from the evidence what these are. Of course, it is possible that the councilmen themselves will refuse to vote on the question of guilt or innocence. I refer, of course, to those that are charged with misconduct and the two under charges of bribery."

It is known that Mayor Tom and City Solicitor Baker will leave no stone unturned to gather all the evidence possible to present to the council at its meeting next week. It is also probable that an effort will be made by the administration to have the accused councilmen suspended during the time that the hearings are on.

This will be the first investigation by a city council in Cleveland under the new municipal code.

**AFTER MEN THE
MAYOR NAMED**

Two City Employes Serving Subpenas on Witnesses in Bribery Case.

Solicitor and Other Administration Officials are Hard at Work.

City Solicitor Baker decided yesterday that personal service was demanded by the law in the charges made against city councilmen by Mayor Johnson. In accordance with this decision mayor's Secretary Gongwer promptly began the service of the notices and all day he was engaged in this work. Gongwer was assisted by City Sidewalk Inspector Bradbury.

Baker's decision was the result of a review of the law governing the charges and trial and is perhaps only the first of other moves that will require much work.

Mr. Baker will devote the balance of the week in preparing for the trial of Monday night. He will deal only with the legal aspect of the matter. Other administration lieutenants are at work and it was whispered yesterday that a surveillance of certain persons interested in the cases was only one of the many moves that have been ordered in the matter.

Mayor Johnson is absent from the city, but the administration end will be well cared for and it is said that there have already been interesting developments that will be made public next Monday. As far as the accused councilmen themselves are concerned they claim that they have held no meeting to formulate a plan of action.

Messrs. Dewar and Wilke, the two charged with bribery, have been in daily conference with William E. Gunn this week. Dewar was found with Gunn yesterday afternoon.

"Will you be represented by legal talent at the meeting of the council next Monday evening?" he was asked.

"There is no need for an honest man employing counsel," was his response. "I mean to say that so far as I am concerned there is absolutely no truth in the charges made against me. I have not decided what my course will be. I may be represented by legal representatives, but have not decided yet."

The Republican members of the council are expected to formulate their course of action in a caucus to be held within the next few days. Rumors that these members were in caucus yesterday were emphatically denied in the evening.

City Solicitor Baker yesterday definitely disposed of the rumor that Mayor Johnson would be sued for damages in the event that the accused men were not convicted.

"There would be no chance for the recovery of damages," said he. "The mayor did his sworn duty in filing the charges. Had he failed to do so after being asked by the council he would have been negligent."

VOUCHER FOR FEES REFUSED

Crawford's Demand Ties Up Serving of Subpenas for Council Trial.

Matter Up to Baker for Decision—Activity on Other Lines.

W. J. Crawford demanded his witness fees yesterday before he would accept service of a subpoena issued for his attendance at the trial of the accused councilmen Monday night. Crawford's action raised a new question and pending a formal decision by City Solicitor Baker legal service has not been and will not be secured.

The move of Crawford has practically blocked the further serving of witnesses by City Clerk Witt. Immediately upon being informed of Crawford's demand Witt secured an official opinion to the effect that Crawford was acting clearly within his rights and that not only witness fees, but mileage should be allowed when demanded.

Witt thereupon attempted to secure a cash advance of \$25, to pay expenses involved in the preliminary arrangements for the trial. When the voucher reached him, however, City Auditor Madigan refused to allow it without City Solicitor Baker's sanction. The matter was thereupon referred to Baker, who left the city yesterday afternoon without acting. Crawford therefore has not been formally served and no other witnesses will be subpoenaed until after Baker defines and interprets the law to the city auditor.

The action of Crawford created considerable gossip yesterday. Many lawyers are of the opinion that Crawford will have to appear as a witness regardless of whether or not he is paid his fees in advance. It is maintained that the trial will be much in the nature of criminal proceedings and if this be true it is argued he will have to attend, in spite of technical points.

It was early yesterday morning that the Crawford incident occurred. Deputy City Clerk O'Brien was ordered to serve all persons not previously subpoenaed.

O'Brien visited Crawford's office first. "I have a subpoena here for your attendance before the city council Monday night," said the deputy.

"Humph," said Crawford. "Got my witness fees?"

"No," said O'Brien, who afterward declared that he thought Crawford was joking.

"Well, I shall refuse to accept service," declared Crawford.

"Do you mean it?" asked O'Brien.

"Certainly," was Crawford's reply.

"That is queer," said the deputy. "No one else has asked for money."

With that each bade the other good day, Crawford urbanely inviting O'Brien to call again.

Assistant City Solicitor Adams advised Witt not only to pay Crawford \$1 as witness fees, but also to allow him 50 cents for car fare, but when Witt attempted to draw a voucher for the money Auditor Madigan stopped further proceedings.

The new angle involved in the subpoenaing of witnesses has not stopped work on other features of the case, however, and the administration is working hard in the effort to secure testimony. The police are taking an active part in the work and interested parties are under a close surveillance.

The political effect of the charges made by Mayor Johnson and the trial to be held is becoming a source of much discussion among the politicians. Republican leaders, particularly, are discussing this feature of the case.

Service Board May Sell Reduction Plant's By-Products.

City Solicitor Baker in an opinion to President Springborn of the board of public service yesterday decided that the board could sell the by-products of the reduction plant without councilmanic authorization. It was thought that a yearly contract would have to be entered into.

Baker's opinion means that the by-products may be sold currently just as the brushes made at the workhouse are sold.

CRAWFORD WILL GET HIS MONEY.

BAKER UPHELD MADIGAN'S STAND, BUT FOUND A WAY BY WHICH FEE COULD BE PROVIDED FOR.

Although Auditor Madigan has refused to issue an order for enough money to pay the fee demanded by W. J. Crawford before he will appear as a witness at the council investigation, the money will be delivered with the subpoena within the next 24 hours.

The matter was referred to City Solicitor Baker for an opinion. He held that Crawford had a legal right to demand the fee before appearing, and that unless it was paid he could not be forced to come. He also said that Madigan was right in refusing to issue an order for the money, but he found a way to get around even the financial difficulty. He held that City Clerk Witt had the right to draw on the contingent fund of his department for enough, at least, to satisfy any claim that Crawford might make and then look to the council to reimburse him. So that Crawford's stand

Will Not Delay

the hearing of the charges.

A number of councilmen are now thoroughly satisfied that they are being watched by city detectives. The Republicans are indignant over this, claiming that the men on the

force are not paid to watch them, but to prevent crime. It was said that there would be doings in the council session next week over this matter, and that Mayor Tom would be severely criticised for his alleged action in the case.

The mayor will not return to Cleveland until Sunday night. He is having his affairs looked after by his lieutenants while away.

To guard against crowding the council chamber next Monday night, when charges against 17 members are to be considered, it has been suggested to the authorities that tickets be issued, and that only those holding these tickets be admitted.

Aside from councilmen, newspaper reporters, witnesses and the heads of departments no one

Will Be Allowed

on the floor of the chamber. Others who desire to hear the proceedings will be placed in the gallery, and that place will not accommodate a very large crowd. Recently there has been a disposition on the part of the spectators to applaud whenever a particularly good point was scored by some favorite on the floor of the council. Police will be at the council Monday night with instructions to eject anyone who attempts to make a demonstration of any kind.

MAYOR JOHNSON ACCUSER

Charges Cleveland City Councilmen With Bribe-Taking.

Cleveland, Feb. 20.—In the City Council tonight Mayor Tom L. Johnson directly charged Councilmen Dewar and Wilke, Democrats, with having accepted bribes from the Cleveland Electric Illuminating Company. At the same time Mayor Johnson declared that the votes of all the Republican members of the City Council had been influenced by contributions from the company to the last campaign fund of the Republican organization and to the campaign expenses of the Republican candidates for City Council.

The charges are the outcome of Mayor Johnson's allegation of two weeks ago that the recent defeat of the ordinance to annex the village of South Brooklyn to Cleveland had been brought about by undue influ-

ence. At last Monday night's meeting of the City Council the mayor repeated his statements of alleged bribery or undue influence, but gave no names. His accusations were denied with much emphasis by several of the Republican Councilmen and specific charges in writing were demanded. These were made tonight.

The City Council immediately adopted a resolution to investigate itself and City Solicitor Newton D. Baker, a Democrat, was appointed prosecutor of the investigation. The resolution empowers the City Solicitor to subpoena witnesses and to call for any books or other documents which may be of value in proving or disproving the Mayor's charges.

Among the witnesses who are expected to be called before next Monday night's session of the City Council is William J. Crawford, chairman of the Republican County Committee.

NEW CHARGES MAY BE MADE.

PROSECUTION IN BRIBERY CHARGES SAID TO HAVE A SURPRISE IN STORE FOR COUNCILMEN—POLICE WILL BE ON DUTY.

"I believe there are enough honest men in the council to block any attempt that might be made to end the investigation in an abrupt manner," said Solicitor Baker Saturday noon.

"Some of the men under investigation, I am sure, would not tolerate action of that kind. Now that this has been started I believe that it will be carried through to the end."

There was a report Saturday that the Republican members had decided to vote to throw the whole thing out of the council Monday night, and that they would have the support of the two Democratic members under charges, when the motion was made. This report was brought to the attention of the solicitor.

Asked if Crawford would be on hand to testify, he said, "I do not anticipate any trouble on that score. He will come whether or not his fee is paid in advance. I have offered to donate the \$1.50 to City Clerk Witt and to

Take a Chance of getting it back when the council authorizes the reimbursement of the clerk."

It has been found that the contingent fund of the city clerk is exhausted, so that Crawford's demand cannot be satisfied from that source. Solicitor Baker had said that it would be proper to draw on that fund for the fee. The all-important question of who is to pay Crawford has not been determined.

The deputies at the office of the city clerk did little Saturday but answer inquiries about the investigation. Apparently about two-thirds of the people want front seats.

Anticipating that there will be a great crowd on hand, City Clerk Witt has requested that four or five policemen be detailed to stand guard at the doors leading into the chamber. After the gallery is filled, no others will be admitted. It has been feared that some of the councilmen might attempt to pack the galleries so that every good point scored by their side might be the signal for a demonstration. It is partially to guard against that sort of thing that the precautions are to be taken.

It is known that a surprise will be sprung by the prosecution Monday night. New evidence has been found and an attempt will be made to introduce it at the first session. It goes outside of the present charges and it is possible that it may be necessary to introduce new charges, before it can be taken up at all. It is also known that new witnesses are to be called by the prosecution. The names will not be given to City Clerk Witt until Monday.

It was said Saturday noon that there was a probability that the investigation of the charges would be continued throughout the week, sessions of the council being held each night until a final decision had been reached. It was also said that the session Monday night would be very short, the proceedings being entirely formal.

Plans and preparations for the trial by the council tomorrow evening of members accused of bribery and misconduct will be completed today when Mayor Johnson, City Solicitor Baker and the council officers will hold a conference concerning the subject. Baker will report the method that he believes should legally be observed and his report will undoubtedly be followed.

Appearances continue to indicate that the administration is to have an absolutely free hand in the prosecution of the cases. Republican members still assert that they will hold no caucus to formulate a plan of action.

Naturally the greatest interest centers about the action of Dewar and Wilke. It is expected that these men will be represented by able legal talent, but both are extremely noncommittal on the

subject.

City Solicitor Baker made no further move yesterday in an attempt to secure service on W. J. Crawford. It is entirely possible that no further effort will be made to secure Crawford's presence.

City Solicitor Baker was busy all day yesterday preparing for the trial. He received reports from a number of sources and conferred with several people. The solicitor, however, refused to discuss the subject of the conferences or to say what reports he had received.

Interest in the case has heightened greatly during the past few days and the expectation is that the council gallery and foyer will be filled tomorrow evening. Extraordinary precautions are to be taken to prevent demonstrations or accidents. It is also probable that a section of the gallery will be set aside for women, a large number having inquired if they could properly be present at the session. Ordinarily the only time women are in evidence at council sessions is when new members are installed into office.

Assistant County Prosecutor C. W. Snider will be an official listener at the councilmanic investigation tomorrow night. Snider will attend the trial of the accused councilmen as the agent of the Cuyahoga county grand jury. Snider's action is a radical departure from grand jury precedent.

"The reason I want to be present is so I may get any evidence that develops first hand," said Prosecutor Snider. "So many times hearings such as this disclose evidence of such a sort as to demand a grand jury investigation, and it is usually the case that statements made at the public hearing, are retracted when the grand jury gets down to business."

Snider will communicate with City Solicitor Baker and will formally request the privilege of having a seat at the council meeting which will enable him to accomplish his purpose.

For many years Prosecutor Keeler's invariable reply to semi-official requests for grand jury investigations of public questions has been something like this:

"I will be glad to lay before the grand jury any evidence anyone will lay before me."

The spectacle of a prosecutor taking the initiative by going out where he is likely to get some evidence if there is any is entirely a novel one.

MAYOR'S VETOES STAND.

Council Again Tries to Pass Two Important South Brooklyn Annexation Resolutions.

Mayor Johnson's vetoes of resolutions discharging the old South Brooklyn annexation commission, composed of Messrs. Frederic C. Howe, Newton D. Baker and J. P. Madigan and naming a new commission consisting of Messrs. M. P. Mooney, T. J. McManus and George E. Harbaugh, were presented to the council for action last night.

The veto of the resolution discharging the old commission was presented first and it failed of passage over the mayor's veto by a vote of 17 to 15. The vote was identical to that by which the council dismissed the commission, all Republicans with the exception of Lewis Wilke and Dewar, Democrats, voting for passage over the veto. Fourteen Democrats and one Republican supported the veto.

When the veto of the resolution naming the new commission was presented Mr. Horner, Republican, raised the question as to whether or not the new commission existed in view of the veto of the resolution discharging the old one. City Solicitor Baker was not, he said, prepared to answer the question, but a vote was demanded and the council refused to pass the resolution over the mayor's veto by a vote of 18 to 14.

To pass any legislation over a veto requires a two-thirds vote.

TO COMPLETE PLANS TODAY

City Officials Will Decide on Procedure for Trial of Councilmen.

Assistant County Prosecutor to Attend the Investigation.

DEFIES MAYOR TO PROVE CHARGES

Dewar Declares That Not Even a Circumstantial Case Can be Made.

Many of Preliminaries for Trials Left to be Settled Today.

Much of the definite plan for the prosecution of the bribery and misconduct charges made by Mayor Johnson before the city council tonight is to be decided at conferences arranged for today between Mayor Johnson, Solicitor Baker and administration officials. Solicitor Baker conferred with the mayor yesterday, but only for a short time, and it was said that the bribery investigation was discussed only in a most general way.

Those interested in the prosecution of the charges will not be the only ones to confer and plan for the investigation. Councilmen Dewar and Wilke, both specifically charged with bribery, have decided to engage attorneys to handle their defense. The two councilmen will meet this morning and definitely decide upon their counsel.

"Wilke and myself will have the same counsel," said Dewar last night. "We had decided not to engage attorneys, but have yielded to the insistence of friends and will decide upon lawyers tomorrow morning.

"I am trying in no way to anticipate what Mayor Johnson will bring forward in an attempt to substantiate the charges. My indifference is because of the fact that I know I am absolutely innocent.

"I defy Mayor Johnson to prove the charges or even make out a circumstantial case. The fact of the matter is that my vote as councilman has never been even solicited by any man high or low, let alone any attempt being made to bribe me. The whole thing is a political play, but of a kind that will not benefit Tom Johnson.

"I am going to insist upon one thing. That is a speedy investigation. I will not submit to any dilatory tactics if it is possible to prevent it. I intend to demand that the real business of investigating commences tomorrow and continues until completed. If the investigation cannot be concluded tomorrow night I want it continued Tuesday. If it is not concluded Tuesday I want it continued on Wednesday. What I want is daily sessions. I shall resent any attempt to have the miserable thing dragged out over a period of two or three months.

"As an indication of my desire that the investigation be prosecuted with the utmost dispatch, I announce my willingness to go on the witness stand the first thing tomorrow night."

Because of the fact that the members of the council have entire control of the investigation, definite procedure may not be mapped out in detail before the meeting tonight. Republican leaders in the council will confer together this afternoon, but they say they can decide nothing until after Solicitor Baker, in his capacity as prosecutor of the investigation, outlines the course he intends to pursue.

"It is up to the council to decide the course the investigation will pursue," said Solicitor Baker last night. "The council will really decide who is to be tried first, as well as similar detail. I shall ask that certain procedure be followed. I expect at present to ask the council to follow a course mapped out by myself. This will give me the privilege of trying the cases as I see fit and of calling witnesses in the order I see fit. I anticipate the councilmen will grant the request. I can hardly say anything of my plans, however, until the request has been formally granted."

W. J. Crawford was not served with a subpoena to appear as a witness yesterday. Questioned on this point, Solicitor Baker said:

"So far as I know service has not yet been obtained on Mr. Crawford. But this is a very minor question. When Mr. Crawford is wanted as a witness he will be subpoenaed. There are plenty of ways in which this can be accomplished."

"Will there be a number of witnesses called in addition to those already subpoenaed?" was asked of the solicitor.

"Most emphatically, yes," was the reply.

"Can you say who they will be?"

"I do not think it would be wise at this time."

"What is there in the report that additional evidence of a startling nature has been secured in substantiation of the charges made by the mayor?"

"There is nothing new that I care to discuss in advance of the formal investigation."

Mayor Johnson did not care to discuss the investigation in any way yesterday. "The matter is now almost entirely in the hands of Mr. Baker and if there is anything to be said he will have to say it," said the mayor yesterday afternoon.

It is understood that persons who have been working in the interest of obtaining additional evidence to that already possessed by Mayor Johnson and Solicitor Baker continued their work with renewed vigor yesterday. On this point neither Mayor Johnson nor Solicitor Baker would talk further than to reiterate that the investigation is to be the subject discussed at conferences today. It is intimated that any new evidence which has been turned up will be gone over at the conferences.

Arrangements have been completed with Chief Kohler to preserve order in the council chamber tonight. The positive order has been made that no demonstration of any kind is to be permitted. It is stated that any persons making any audible comment on the developments of the investigation will be promptly ejected from the council chamber. Officers enough to enforce strict order will be detailed for duty at the city hall.

RULES OF COURT TO BE FOLLOWED

Council Refuses to Allow General Investigation of Charges.

Mayor Must Present Amended Bill of Information Against Councilmen.

HE AND DAWLEY CLASH

Lively Verbal Encounter Between Attorney and City's Chief Executive—Dawley, for Dewar and Wilke, Denies Right of Council to Act as a Court and Files Motion That Cases be Dismissed—C. W. Collister Represents Republican—Meeting Adjourns to 1:30 p. m. Tomorrow.

The procedure of courts as strictly applied in criminal practice is to be followed in the prosecution of the bribery charges made by Mayor Tom L. Johnson against members of the city council.

By the specific order of the council the charges made by the mayor against fifteen Republican members must be made against separate members, charging definite and specific acts.

To do this Mayor Johnson will have to present an amended bill of information. If he complies with the majority demand of the council this amended bill will be presented to the council at 1:30 o'clock tomorrow afternoon. By a majority vote the members of the council last night denied Solicitor Baker the right, as prosecutor, to do any general probing of the charges of bribery. His prosecution must be confined to definite and specific charges.

In brief the above covers the entire action taken by the council at the opening session of the bribery investigation last night. The action taken, unanimously supported by the seventeen men under charges, in addition of Lewis, Republican, and Roche, Democrat, was against the earnest plea and extended argument of Solicitor Baker.

Almost the entire session was consumed by a running debate, participated in by Attorneys C. W. Collister and Jay P. Dawley, representing the councilmen under charges, and Solicitor Baker representing the prosecution. The debate was almost entirely legal and technical in its nature with the members of the council doing little but voting to decide the points raised and discussed by the attorneys.

Before the session opened Attorney Dawley filed with Clerk Witt a motion to quash and dismiss the charges against Dewar and Wilke, specifically charged with bribery. The motion was not debated or voted upon last night. Dawley was prepared to argue the motion but the council adjourned the hearing without the argument.

In filing the motion, however, Attorney Dawley outlines his proposed defense. He denies the power or jurisdiction of the council to try the accused as a court and in effect denies that the investigation can ever amount to anything. Dawley, on behalf of Dewar and Wilke, has asked that they be not required to answer the charges for the following reasons:

"1. Because said council of the city of Cleveland has no jurisdiction in the premises to hear or determine said charges.

"2. Because said proceedings so taken against him are without authority in law.

"3. Because said charges filed in said council by said mayor are indefinite, not certain and of no validity in law.

"4. Because said charges so made against this respondent by said mayor are not sufficient in law to confer upon

The Plans for Tomorrow.

The investigation will be resumed in the council chamber tomorrow afternoon at 1:30 o'clock. Unless the plan is changed the trial of Republican members will be taken up first, commencing with Thomas E. Croke and continuing according to the alphabetical listing of names on the council roll.

Attorney Dawley will present argument on behalf of his motion to quash the charges against Dewar and Wilke.

Mayor Johnson said last night:

"Nothing can be said until the matter has been carefully thought over. I intend to do everything possible to assist a complete investigation of the charges. There is not now as apparent a desire for investigation on the part of some councilmen as they expressed at the last two council meetings."

said council authority to try this respondent for misconduct as a member of said council by reason of their vagueness and uncertainty.

"5. Because no power has been conferred by the state of Ohio upon said council to inquire into, hear or determine said charges."

As a result of the rules of procedure decided upon, the statement is made by those especially interested in the prosecution of the charges that the council is attempting to stifle and seriously hamper the investigation and by those especially interested in the defense that the mere rights of the accused have been sustained.

The exciting moments of the session were furnished by Attorney Dawley and Mayor Johnson and Solicitor Baker. Arguing on behalf of a motion made by Councilman Croke through his attorney, Mr. Collister, Attorney Dawley made very pointed allusions to "the politics being played by both Mayor Johnson and Solicitor Baker." These allusions brought quick and spirited responses from both the mayor and solicitor.

"I cannot agree with the solicitor on the construction of the law in determining the course to be pursued in conducting this investigation," said Dawley. "You must give the defendant specific notice of what he is going to be tried upon. Under the law, sustained by a decision of the supreme court the charges must be the same as an indictment drawn against a person in a court of justice.

"These persons are not afraid of any investigation. Nothing of the kind. They are just demanding the right of any man, whether he be high or low. Many times about the streets of Cleveland I have heard ugly things said about Mayor Johnson. I have heard him accused of crimes. Now suppose three or four men should meet on the street and decide to try Mayor Johnson on some charge and supposing standing on the street they should convict him. Would that be equal handed justice?"

"I am arguing that these charges under the law are bound to be specific. If the dictum of Solicitor Baker be true, a trial can be ordered any time on any bit of trifling gossip. Specific charges are required, and I maintain that the council has the power to decide only on the sufficiency of the charges.

"I also maintain that no person is to be placed on trial here as a part of any scheme, political or otherwise. My clients are not to be put on trial to aid any man to higher or continued honors over Prostrate or blackened reputations. Here is rumor, speculation, hearsay evidence, gossip and politics. It is something against which you cannot successfully bring any defense.

"Power and wealth have rights and so have weakness and poverty. You members of this council should have no charges placed against you which are not legally sufficient. You are here to do your fellow members either good or evil, according to law.

"As far as contributing to the campaign fund is concerned, why that is ridiculous. If that is any offence, why there is scarcely a man in this room who would not be disfranchised. I myself have contributed to the campaign fund. I did so because letters of appeal accumulated upon my desk and I wanted to rid myself of constant bother.

"But that is as far as I ever participated in politics. I never had anything to do with politics and I hope I never will. Why look at this scene here tonight. It is what a man gets when he enters the modern political arena. The truth of the matter is that Mayor Tom Johnson wishes devoutly tonight he had never engaged in politics. If he would express his feelings he would tell you of sighs for just the plain title, Tom L. Johnson, citizen."

Mayor Johnson was on his feet the moment Mr. Dawley sat down.

"In view of the fact that Mr. Dawley has seen fit to mention me prominently in his remarks I desire to be heard at this time," said the mayor. "Mr. Dawley says I am sighing for the plain title of citizen and regret being in politics. Let me tell you, Mr. Dawley, that I never for one moment regretted entering politics. I do not regret it tonight and I will state that I expect to be a candidate again.

"If Mr. Dawley had attended a few of the recent council meetings I am sure he would never have made the speech he has just made so out of tune with these proceedings. A few weeks ago I gave out an interview in which I charged that the Cleveland Electric Illuminating Co. had more influence with fifteen Republican members of this council than did the votes of 40,000 citizens.

"This statement was immediately followed by a great hue and cry. Mr. Walker, a Republican member of this body, introduced a resolution calling for a full and free investigation. I made written charges in response to the demand of the Walker resolution. The investigation was demanded by the members of this council and I propose to do everything within my power to assist in such an investigation.

"Mr. Dawley talks about my being tried on the streets upon certain charges. Now I want to ask Mr. Dawley suppose I had gone before some organization or mob as to call it and demanded an investigation and trial of certain charges. After making such a demand what would you think if I should engage Mr. Dawley, an acknowledged leader among criminal lawyers, to go before such a body and do everything in his power to prevent any such full and complete investigation.

"If the members of this council want to stop this investigation they can do it. During two council meetings in public speech the members of this body declared their desire to be a full and complete investigation. Now if you want to sneak out of the whole thing you can do it. It is all very simple. Just simply rescind the investigation resolution and end it all."

In responding to Attorney Dawley, Solicitor Baker took issue with him on the technical points involved in the law. "The contention is that this body must really investigate, not try," said the solicitor. "One of the great assets of a city is the good name of the city council. What is certainly desired here and what I maintain the municipal code intends is a complete, full and untrammelled investigation of the charges preferred by

the mayor as specifically commanded by the law."

Solicitor Baker briefly referred to the councilmanic investigation of charges in connection with the Gamewell police and fire alarm system which, he said, was searching and complete.

"I want to call Mr. Dawley's attention to the fact that he has forgotten that spring elections have been abolished and that there will be no election in this county until next November. His talk about men climbing to positions of higher honor over the fallen reputations of others is decidedly indecorous, to say the least. If anyone thinks I am playing politics in this matter let them speak up. This is a matter far too serious for political play. The honor of the city, the honor of men is at stake. What we want is the facts and the facts only."

THE FIGHT OVER RULES.

Baker Protests Vigorously, but in Vain, Against Procedure Council Finally Adopts.

It was exactly 7:40 o'clock when President Lapp announced:

"The table is now clear of business."

After waiting a moment he said:

"Any motion?"

The question was followed by City Solicitor Baker, asking the privilege of the floor.

"Acting under the resolution passed by this council I now ask this council to take up the charges filed against certain of its members." Baker then read section 225 of the code, providing for the trial.

"Under the law," said he, after reading the section, "it is necessary to begin the hearing against all of the members against whom charges have been filed tonight. I am prepared to go into the cases against all of the accused fully. I am prepared to do this against the fifteen against whom charges are made tonight, but I am not as fully prepared as I shall be to take up the charges against the other two. Some motions have been filed this evening and I think it would be well to have them read. I also think it wise to begin a general hearing against the fifteen. It should not be individual or separate, although on a vote of any kind, it will have to be on individuals.

"There are also one or two questions which I think it proper the council should decide. A number of witnesses have been subpoenaed in this hearing. That number will probably grow as the hearing goes on. Some witnesses probably will not come unless tendered their fees. Some comment has already been caused by the request of one for his fees, but I see he is in the council chamber tonight. However, I desire to say that a witness is entitled to his fee and I think it proper that the council should authorize the clerk to draw on his contingent fund to defray the expenses of the hearing."

"The statute under which the ordinance was adopted," said Mr. Halle, upon recognition by the chair, "requires some set of rules. I have some here which I wish to offer and I move their adoption."

"The question is on agreeing to the rules as offered by Mr. Halle," declared the chair.

"I have not seen the rules," objected Mr. Baker. "I would like to examine them." The copy of the rules were handed him. Mr. Dewar, meantime, offering an amendment to rule 2.

The solicitor said he had no objection to the amendment since it was immaterial, but he desired the opportunity of discussing the rules as amended after action by the council. Mr. Croke seconded the amendment and it was adopted.

Mr. Baker then subjected the rules to critical review, objecting to a number of features and declaring:

"The charges have been made general in form. They do charge misconduct in office, and if it be desired to get at the facts it would certainly be inexpedient to

adopt a set of artificial and technical provisions of the sort described here."

Authorities relative to legislative investigations and in favor of full and free investigation of an inquisitorial nature, rather than one narrowed by rules of court procedure, were quoted at length by him.

"If you desire to get at the truth you should use your inquisitorial powers to the full," said he. "If you gentlemen who are under charges are not to go out of the council with a blackened reputation, make your investigation so full and complete that you may go out with a whitened one and everybody will know that everything has been done that may be done to get the facts."

Attorney Collister then asked the privilege of the floor.

"Who do you represent?" asked the mayor.

Collister refused to answer except on inquiry by some member of the council.

"To get at the facts I ask who you represent?" said Mr. Maulberger.

"Well, I represent Mr. Halle for one," replied Collister. "The rules presented were drawn by myself. Some years ago I had occasion to draw similar rules and Mr. Baker assisted me at that time. They follow Cushing's manual and the decisions of the United States courts."

Mr. Collister then entered upon at length all the legal and technical matter represented in favor of the adoption of the rules. He told of court rules and declared that the charges against the fifteen had been put together.

"Before we proceed I want to know what one of these men are charged with having been influenced by any corporation. I also want to know whether or not they knew any contributions, if any were made, were made by anybody in their campaigns.

"I want these charges to say that these men knew these contributions were made. The consequences to these men of being expelled by this body is as great to them as a verdict in court.

"I am here as a lawyer, not as a politician. I know nothing about your politics. I want charges to be made definite and specific.

"Mr. Collister and I have no quarrel on the question of the presumption of innocence," said Solicitor Baker in reply. "I agree with him. All should be presumed innocent until found guilty. I am arguing that the council should assume its inquisitorial character and hear these charges unrestricted and without binding of any sort."

He then explained differences of court proceedings from what he thought a councilmanic investigation should be.

"I want you to go back two years," he said. "I want to bring in witnesses with their books showing expenditures that have been made during that time. I want to show up other things that indicate bribery. I want to know what certain people really did in blocking the annexation of South Brooklyn.

"If the council ties and chains its own hands and won't look at this thing in any other manner than through a microscope, why the purpose will be destroyed. In the public prints of the past few days the accused have said that they would have no counsel. They desired a free and full investigation. I had presumed such was to be the case, but if I knew the council did not want the facts I would not try to get at them.

"There are two things this council can do. It can start out this thing by destroying this investigation by adopting certain rules, but if the council assumes its inquisitorial character it can get at the real facts without much trouble. These rules are plenty iron clad and plenty tight enough to accomplish nothing.

"If Mr. Baker has any other charges to make he should make them in writing," said Mr. Collister, as Baker sat down.

"I have made no charges," responded Baker.

"You have," answered the legal representative of the fifteen. "If my clients

follow my advice they will confine the hearing to the charges made."

Mr. Baker again interrupted.

"Order, order," demanded the chair.

"It is my fault, Mr. President," said Baker.

Collister declared the council to be in the condition of a quasi criminal court and results would be as serious as if the accused were found guilty in the courts.

"And if my advice is followed the hearing will be limited to the charges filed," concluded Collister.

Solicitor Baker answered, declaring the investigation to be one outside the courts, holding that if the legislature intended it to be of court nature it would have fixed court rules to govern.

Maulberger spoke for a full investigation without the restriction proposed by the Republican rules. Horner spoke for the rules. The roll call was then demanded and by a vote of 19 to 13 the Republican rules were adopted, all the men under charges voting for the adoption of them. The vote was as follows:

Ayes—Croke, Dewar, Felton, Halle, Haserodt, Hitchens, Horner, Lewis, Mangan, McClain, Orgill, Pears, Remy, Robinson, Roche, Stanton, Walker, Wilke and Wright.

Nays—Biesinger, Erdman, Feighan, Henry, Koch, Kraus, Maulberger, McKenna, Nickels, Noss, Pfahl, Sledz and Thompson.

Councilman Orgill presented a resolution that the trial of the Republican members commence with Thomas E. Croke and continue according to the names as they appear alphabetically upon the council roll call. Solicitor Baker maintained that the investigation could be made more searching and effective if the prosecutor was given some latitude in the matter. His request was denied and the Orgill resolution passed by a vote of 17 to 14. The Republican members and Dewar and Wilke, Democrats, voted in the affirmative.

A resolution introduced by Remy that the charges against the Republican members be tried first was passed by a vote of 300 yeas to 2 nays. A long discussion over the jurisdiction of the council participated in by Attorneys Collister and Dawley and Solicitor Baker, followed. The case of Thomas E. Croke was finally called. Through his attorney Mr. Collister, Croke introduced the following motion:

"In matter of charges preferred by Hon. Tom L. Johnson, mayor, against T. E. Croke, councilman.

"Motion to make charge more definite and certain. Now comes T. E. Croke against whom charges have been preferred by the Hon. Tom L. Johnson, mayor, and moves that the said charge against him be made more definite and certain in the following respects, viz:

"1. That said charges be made to state the name of the councilman to whose campaign fund money was contributed by the corporation named in said charges.

"2. To state whether the alleged contribution to the Republican campaign fund for use in the election of November, 1904, was made with the knowledge or consent of any of the persons named in said charges, and if so, which ones had such knowledge or gave such consent.

"T. E. Croke,
"By C. W. Collister, his attorney."

Solicitor Baker argued earnestly against the passage of the motion. He argued that it would seriously cripple the investigation.

"I had intended to put the president of the corporation mentioned in these charges on the stand first," said Mr. Baker. "He undoubtedly has information which the mayor has not. It would help us materially in getting at the facts in the case. I hope you will not insist upon crippling this investigation."

Collister insisted that specific charges be made. He was supported by Attorney Dawley and the council by a vote of 18 to 14. It took half an hour for the council to decide upon the time of the next session. The time was finally fixed and the first session closed at 10:30 o'clock.

INJUNCTION WILL BE FILED TODAY

Authority of Council to Examine Books Will be Decided at Once.

Mayor Johnson Believes Decision Will be Favorable to the City.

The Cleveland Electric Illuminating Co., through its attorneys, will file the expected injunction suit against the city, to prevent the forcible production of the council investigation of the books of the company this morning. Whether the suit will be filed in time to permit any arguments before the court today is a question.

Attorney Thomas H. Hogsett, representing the illuminating company, who was taken ill Friday afternoon was much improved last night. "I think I shall be able to go down town tomorrow morning," he said last night. "At any rate the injunction suit will be filed, if not by myself by some other attorney representing the company.

"If the agreement between the attorneys is lived up to there can be no more progress in the investigation until after the question involved in the injunction suit is settled. It must be remembered, however, that the action of the members of the council cannot always be anticipated."

Solicitor Baker will be at the city hall early this morning in preparation for an early call to court to argue on the injunction suit matter. He would like to get the argument on the questions involved in the suit started today if possible. The solicitor last night said that there was nothing new that could be said concerning the investigation at this time.

"I believe it is the intention to let matters rest pending the decision of the courts," said Mayor Johnson yesterday. "To my mind there is no question that the courts will rule against the company. But I do not claim to be a lawyer. The section of the municipal code for which a strict interpretation is sought seems perfectly clear to a lay mind. At the same time extremely competent attorneys seem to have a different opinion."

Both the Republican and Democratic members of the council who are under charges appear to be getting exceedingly weary of the investigation. It is hinted that an attempt may be made tonight to have the charges quashed by a majority vote of the council. Any such move as this will be opposed by attorneys representing both sides as well as by the administration.

DIDN'T HEAR FROM BAKER.

Council Still Waiting for Opinion on Street Railways.

City Solicitor Baker did not give the council the information desired relative to the powers of the city's legislative body in street railway affairs, as asked for in the Haserodt resolution of a week ago. Mr. Baker has been too busy to prepare an opinion for the council.

The question involves considerable work and Mr. Baker will prepare a statement on the subject later on.



No 730

