ORIGINAL ILLEGIBLE

THE WEATHER: Rain Thursday; Friday fair and colder; fresh southeast shifting to northwest winds.

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FISH REPLIES TO THE CHARGES OF HARRIMAN

Former President of Illinois Central Explains His Actions.

MANY USED FUNDS OF THE COMPANY

Harriman, Himself, Borrowed Several Million Dollars.

ALL MONEY USED BY FISH WAS SECURED UPON UNQUESTIONABLE COLLATERAL—NO PADDING OF BANK ACCOUNTS AND DEPOSITS WERE NEVER IN DANGER.

By Associated Press.

New York, Feb. 27.—Stuyvesant Fish, former president of the Illinois Central railroad, to-day replied to E. H. Harriman's statement before the interstate Commerce Commission yesterday concerning the cause of the removal of the former from office. He said:

"It was at my instance that Harriman was made a director of the Illinois Central. We got along well until he became ambitious to make the road a part of the Union Pacific system, then we parted company.

"With reference to Harriman's charge regarding my use of the company's funds, I did, several directors did and Harriman did to the extent of several million dollars, but Harriman should have explained that my loan was at a time when we were anxious to put out some of the surplus, and the loans were made on unquestionable collateral. When in the fall of 1903 I desired to repay the money, I proposed to negotiate a new loan. Harriman asked me not to do so and I accepted his voluntary offer of a loan.

"Respecting deposits with the Trust Company of the Republic, this is one of the many trust companies with which we carried accounts and the deposits fluctuated, but there was no padding of accounts by me nor were the deposits ever in danger."

INSANITY STILL MAIN QUESTION

Jerome Hard After the Alienists Who Testified in Favor of Thaw.

By Associated Press.

New York, Feb. 27.—Dr. Britton Evans, the alienist, was under cross examination in the Thaw trial during the greater part of today's sessions. Mr. Jerome seemed determined upon getting from Dr. Evans the exact recognized form of insanity that Thaw was suffering with at the time of the killing of White.

Dr. C. F. Bingham, the Thaw family physician, testified briefly. Attorney Delmas objected when Jerome started to cross examine him as to insanity in the Thaw family, on the ground that witness was not an expert. Jerome then notified Dr. Bingham to hold himself in readiness to testify for the state.

By recalling Mrs. Thaw at the morning session Jerome indicated his intention to put Howard Nesbit, Mrs. Thaw's brother, on the stand to counteract the credibility of her testimony.

Jerome did not finish with Dr. Evans and he will resume the stand tomorrow. Dr. Deemer, physician to Mrs. William Thaw's family, the Copleys, and Dr. Wagner will follow and after these Mrs. William Thaw will testify.

NO CLUE TO THE MISSING MONEY

Teller From Whose Cage in Sub-Treasury Large Sum Disappeared Suspended.

Chicago, Feb. 27.—Sub-treasury officials, after a complete examination, announce that beyond a doubt the missing $173,000 was stolen. Teller Fitzgerald, from whose cage the money is believed to have disappeared has been given an indefinite leave of absence. There is still no clue.

Postmaster Named.

Washington, Feb. 27.—The president today sent to the senate the name of G. J. Shannon to be postmaster at Camden, South Carolina.

DECISION ON AN IMPORTANT QUESTION

Judge Swayne Holds That Bayman Is Responsible For Property Lost.

Although the amount involved was very small, a decision rendered by Judge Charles Swayne in the United States court yesterday morning is regarded as a very important one.

The case was that of James Crumpler, vs. the German bark Adelheid, a libel suit for $12. It seems that Crumpler was one of the men engaged in loading a cargo of lumber on the bark and in doing so was using the slings or equipment of the vessel. Two of these slings were lost overboard, each worth about $3.50, and the vessel held the stevedore, S. A. Johnson, responsible for the amount and the stevedore in turn deducted the amount from wages due the bayman. The latter refused to accept any of the money due him for the week, and brought suit in which he contended that he could not be held accountable for the loss of the slings.

The court held however, that baymen are responsible for losses of such nature and that a vessel has the right to recoup by such methods.

W. B. Sheppard appeared for the vessel and Stevedore Johnson and J. P. Stokes for the bayman.

MAY ERECT BIG COLD STORAGE PLANT

Cudahy Packing Company Considering Putting in a Large Plant.

The Cudahy Packing Company, which is now located at the corner of Government and Tarragona streets, has under consideration the installation of a large and modern cold storage plant in this city, and if the plans which have been prepared are carried through the plant will be one of the largest and most modern in this section of the state.

Recently officers of the company were here from the home office at South Omaha, Neb., and visited the point where the company desires to locate the buildings, and after securing all of the necessary information returned to Omaha to submit a report with recommendations to the officials of the company.

It is expected that within the next fifteen days information as to whether or not the company will carry out the plans recommended, will reach the city, but it is believed here that some such steps will be taken.

THE GRADING OF CONTRACT COTTON

By Associated Press.

New York, Feb. 27.—The Cotton Exchange to-day instructed the board of managers to eliminate from contract grades, strict low middling stained, low middling tinged and good ordinary white.

SENATOR BAILEY IS EXONERATED

By Associated Press.

Austin, Texas, Feb. 27.—The house tonight voted, seventy to forty, for Senator Bailey's complete exoneration. Afterwards Bailey addressed the members, bitterly denouncing those opposed to him.

Successor to Ninetree.

Washington, Feb. 27.—A. Gordon Jones has been appointed purchasing agent for the Southern Railway, effective March 1. He succeeds the late Col. Joseph P. Ninetree.

John D. to Return South.

Augusta, Ga., Feb. 27.—It is stated that John D. Rockefeller returns here next week to pass the remainder of the winter.

PUZZLE—WHICH IS THE COAL MAN?

RIVERS AND HARBORS BILL AGREED UPON BY CONGRESS

Both Houses Adopted the Conference Report Yesterday. Daniel Bill, Establishing "Foundation for Promotion of Industrial Peace" Passed.

By Associated Press.

Washington, Feb. 27.—The senate to-day agreed to the conference report on the rivers and harbors appropriation bill.

That body also passed, without discussion the Daniel bill establishing a "foundation for the promotion of industrial peace" authorizing a board of trustees to receive from President Roosevelt the Nobel peace prize as the nucleus of a fund to bring together at Washington, periodically, representatives of capital and labor to discuss labor problems.

The expatriation bill was also passed. This bill fixes the status of American women who marry foreigners and foreign women who marry Americans, the latter retaining citizenship as long as they continue to live in the United States.

Over fifty other bills were passed.

In the House.

Washington, Feb. 27.—The conference report on the rivers and harbors appropriation bill was agreed to by the house to-day. The house also concurred in the senate amendment to the army bill, providing for the retirement of certain brigadier generals of the civil war with the rank of major general. The ship subsidy bill was debated throughout the day and night sessions and by agreement an extra hour was given for to-morrow's session.

Testifies to Killing of Her Husband by Brothers

By Associated Press.

Culpepper, Va., Feb. 27.—Brought into court in an invalid's chair, Mrs. William Bywater today told on the witness stand the story of the killing of her husband by her brothers, James and Philip, within an hour of her marriage. She told of love from childhood for the man who had betrayed her under promise of marriage and later took her twice to Washington where criminal operations were performed; of pleading for his life, at the time she and Bywater were compelled to confess her shame; of his desire to escape the marriage; that after the ceremony he betrayed a restless desire to leave her and seeing this, her brothers shot him.

Mrs. Bywater's story was supplemented by that of Mrs. George L. Gaines and George French Strother, sister and brother of the defendants. Defendants will testify tomorrow.

REORGANIZING PANAMA CANAL

Salaries of Shonts and Stevens Will Be Divided by 3 New Appointees.

By Associated Press.

Washington, Feb. 27.—As the result of a conference at the White House to-night it is understood that details for the reorganization of Panama canal work include the retirement from the commission of Colonel Hains of the army and Benjamin Harrod, civil engineer. Majors Goethals, Gaillard and Sibert who were yesterday appointed to the commission will divide the sixty thousand dollars salaries paid Shonts and Stevens. It is understood the new engineers will take charge in April. After that it will be determined whether the work shall be be continued as now or under contract.

INVESTIGATION OF C. & A. DEAL

Methods of Harriman Party Still the Subject of Official Inquiry.

By Associated Press.

New York, Feb. 27.—The methods of the Harriman party in the Chicago and Alton railroad deal continued to be the subject of inquiry by the Interstate Commerce Commission today.

Charles Hilliard, comptroller of the road, was the last witnesses this afternoon. He said he found that thirteen millions had not been paid for bonds; that ten milion dollars had never been paid the Stanton intermediary for stock that several millions had never been paid him for the road but that twenty-two millions in bonds had been turned over to a syndicate who delivered the stock and road through Stanton.

E. H. Harriman concluded his testimony in the morning, showing nothing additional of importance and he was followed by Otto Kahn, of Kahn, Loeb & Co.

H. H. KELLY GIVEN LONG TERM IN JAIL

Sentenced to Serve Nine Months for Running a Gambling House.

H. H. Kelly, who was arrested and tried last week upon the charge of running a gambling house and who was convicted in the Criminal Court, was yesterday sentenced by Judge Beggs to serve a term of nine months at hard labor in the county jail. No fine was attached, the defendant not being given the option of paying a fine or serving the sentence.

Kelly was convicted last week, the case being the last upon the docket, and a recess was then taken until Wednesday, and it was thought that possibly a motion would be made by counsel for defense for a new trial, but no motion was made and the defendant was yesterday brought into court and sentence passed. In doing so Judge Beggs stated that he had fully determined when entering court to make the sentence a penitentiary one, but had since decided to give the defendant nine months at hard labor in the county jail.

Other Sentences.

Harry Owens, convicted of assault to commit murder, was sentenced to serve seven years in the state convict camps.

Lum Richardson and Ed. Key, for being employees of gambling houses, were each sentenced to pay a fine of $25 and costs or serve three months at hard labor.

Joe Seabrook for assault and battery was sentenced to pay a fine of $10 and costs or serve 60 days at hard labor.

STATEMENT TO BE MADE BY OLIVER

By Associated Press.

Washington, Feb. 27.—Concerning rumors of the appointment of W. J. Oliver to a place on the Panama canal commission Secretary Taft tonight said he did not believe the president was considering him for a place. Oliver said tonight that he would refuse the appointment. Referring to the rejection of his bid for canal construction he said as soon as he is officially notified of the rejection he will make a statement; that only last Thursday the president assured his friends that he was to receive the contract.

MATTERS OF INTEREST BEFORE THE CITY COUNCIL

BASKETBALL AT THE Y. M. C. A. TO-NIGHT

Methodist and Presbyterian Teams Are Scheduled to Meet.

The Presbyterian and Garden Street Methodist teams of the Basketball league will meet to-night in the gymnasium of the Y. M. C. A. and it is expected that the contest will be highly interesting.

These two teams are about evenly balanced, although the Presbyterians have the largest number of victories to their credit, and as a consequence the Methodist boys will strive hard for a victory. The players of the respective teams are all considered first-class, and with practice and team-work they would bring the teams up to the same standard as the strong Catholic team.

Between the halves specialties will be introduced in order to provide amusement for the spectators, and as much interest is being manifested it is expected that there will be many present to-night.

Deadlock Still On.

Providence, R. I., Feb. 27.—After the twenty-eighth ballot the legislature failed to elect a United States senator failed to elect a United States senator, the record in this state in similar contests.

WILL MAKE MANY EXTENSIONS TO LINES

Pensacola Electric Co., Desires to Build to Goulding and Other Points.

If the plans of the Pensacola Electric Company materialize, and the City Council grants the franchise privileges desired by that company, there will be many additions to the present system in the way of extension of lines.

The ordinance which was presented to the City Council last night and read for the first time shows that the company desires to build many new lines and extend others.

The company, in this ordinance requests the privilege of building a double track along Graden street, connecting with the Palafox street line at the intersection of these streets, and also to build a double track from the corner of DeVillier and Government streets, south to Main street, and also to make such connections as are necessary at the intersections of Palafox and Garden, DeVillier and Garden and DeVillier and Main streets.

It also desires permission to build a track north and east of Tarragona street to the village of Goulding, and to construct and maintain a line from some point connecting with the East Hill line west to the DeSoto street line.

In the ordinance the company agrees to have this work completed and cars in operation by Dec. 31, 1908, with the exception of the double track on Garden street, which if not necessary and one track is sufficient to handle the traffic on this line, can be completed at any time within a period of five years.

There was no discussion in the council last night upon the ordinance, and it took the usual course.

MILL OWNERS WIN IMPORTANT POINT

By Associated Press.

Greensboro, N. C., Feb. 27.—In the case of the government against Charlotte mill owners for alleged violation of the immigration laws, the federal court sustained the objection of defense to the government's evidence holdin, as the case was a penal action, the government must show conspiracy to do wrong. Prosecution tried to show that Costello, the state immigrant commissioner, was also agent of the mill owners.

Decided to Offer Not Exceeding $187,500 for Water Company Property.

TO BUILD THE NEW POLICE STATION

A. A. Ericsen and Associates Refused Garden Street Franchise.

AND AN ORDINANCE INTRODUCED GRANTING RIGHT TO PENSACOLA ELECTRIC CO., TO CONSTRUCT DOUBLE TRACK ON GARDEN STREET AND ALSO ONE NORTH TO GOULDING.

A lengthy and important session of the City Council was held last night and much business of interest to the city considered. The principal matters to be considered were the report of the finance committee that the new police headquarters and and city jail be constructed at a cost of about $26,000; the adoption of the report of the special committee that the Pensacola Water Company be offered not exceeding $187,500 for its plant and holdings in this city; the refusal to grant the franchise asked for by A. A. Ericson and others to build a street railway on Garden street; the introduction of an ordinance granting the Pensacola Electric Company the right to construct and maintain a double track along Garden street, and to build a line connecting with its East Hill line north to Goulding, and also from some point on the East Hill line west to the DeSoto street line; the introduction of an ordinance regulating the speed of automobiles, and the appointment of a committee to ascertain if it is possible for the council to legislate so as to provide a registration officer and opening of registration books for the city primaries.

Just a quorum was present when the council convened at 7:30 o'clock. Those answering roll call were Mayor Bliss presiding, and Aldermen Cahn, Maura, Muldon, McHugh, Renshaw, Reilly and Yonge; also Chairman Zelius of the Board of Works, and Chairman Ingraham of the Board of Safety. The minutes of the previous meeting were read and approved.

Rules Were Waived.

Alderman Cahn moved that the rules be waived and the council heard a request from A. A. Fisher, representing J. A. Chaffin to cover a building in the fire limits.

Chairman Ingraham in regard to the matter stated that the building had been one of those to be condemned by the special committee of the board composed of architects.

Mr. Chaffin stated in reply that the building had cost $3,000 and was very strong and would not cost 50 per cent. to repair, as only the roof had been blown off by the storm.

The matter was finally referred to the committee on fire and police.

Communication From Mayor.

The regular order of business was resumed and the mayor under this head recommended that all sidewalks on Garden street, west of Spring be made a width of 8 feet. He had prepared an ordinance to this effect. Upon motion of Alderman Muldon the recommendation was adopted.

The New Police Station.

Chairman Reilly of the finance committee read the report of the committee, which dealt with a number of matters, principal of which was that of the new police headquarters and jail, which had been referred to the committee owing to the fact that the lowest bid for this work was several thousand dollars in excess of the amount appropriated for this purpose. The committee estimated that the total cost of the building would be $26,026.34, about $7,501 in excess of the amount appropriated. The committee, however, recommended that the building be erected as it is not thought that the work can be done cheaper, and that the balance necessary be taken from another fund.

The committee also recommended that $150 be appropriated to place the office of Engineer Hatton in condition and $15 be allowed to Street Superintendent Hutchinson for the feed of his horse.

The recommendations were adopted.

General Ordinance Committee.

Alderman Yonge of the general ordinance committee reported favorably upon a large number of new ordinances. The report was filed.

Streets and Parks.

Chairman Renshaw of the committee on streets and parks, reported upon the request of the Daughters of the Confederacy for an appropriation for

(Continued on Eighth Page.)