

NO SUGAR BOUNTIES.

THE LAW IS DECLARED UNCONSTITUTIONAL.

The Comptroller of the Treasury renders an opinion on the celebrated Oxnard sugar bounty claims. Claimants can go into court and test the validity of their demands—An important decision.

WILL SECURE JUSTICE.

This Country Will Investigate Chinese Riots.

WASHINGTON, Sept. 7.—The United States government, it is announced at the state department, has decided to enter forthwith upon an independent investigation of the Cheng Tu riots, with the co-operation of a Chinese representative.

As at first arranged, the inquiry was to have been made in co-operation with England, but there has been a change of plan within the past few days, occasioned partly by the fact that the British consul at Chung King, who is to conduct the investigation on behalf of his government and to whom, with the concurrence of an American missionary member, it was at first proposed to entrust the preliminary investigation of the facts, has been detained at his post, and it is said, will not be able to begin the inquiry for a month or more. There are also understood to be other reasons why the state department has decided upon an independent investigation, such as France has already made and such as England will make later.

It is said at the state department that it is not true, however, as has been represented, that the policy of this government has been changed by any feeling of dissatisfaction or resentment caused by any apparent delay upon England's part in proceeding with the inquiry. The department has other reasons, which it is not yet prepared to make public.

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Fort Bufalo, N. D., and Fort Hancock, Texas, are discontinued as army posts and directions given to turn over the public lands to the interior department. Where the troops and companies to be transferred have not been designated in the order, the department commanders will make the selection of the troops to be removed.

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The particular claim decided is substantially on the same footing as all other sugar bounty claims, for the satisfaction of which congress, at its last session, appropriated \$5,238,280.

The comptroller answers at great length the arguments presented by counsel at the hearing in which his jurisdiction was attacked, and in the course of his reply, he says statutes which do not conform to the constitution, are not law, and therefore, when a statute is in apparent conflict with the constitution it becomes the duty of the executive officer to determine for himself as between the statute and the constitution whether the statute is the law.

As to the constitutionality of the act, the comptroller says in part that the principle has long been decided that taxation must be for a public purpose: that an attempt to take money from the people by the forms of taxation for a purpose other than a public one, is not an exercise of legislative power and, therefore, that an attempt to do so is a mere nullity, as an effort by the legislature to exercise power not granted by the constitution.

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Letter From a Duluth Man Who Says the Prisoner is Not Fraker.

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J. P. Davis, president of the Kansas Mutual Life Insurance company, in an interview said there was no doubt of Fraker's identity, and that no effort would be made to secure the return of the insurance money until all interested admitted it. He said that he believed Fraker would be sent to the penitentiary, although he admitted that a number of prominent Kansas and Missouri attorneys whom he had consulted had expressed the opinion that he could be convicted of no crime.

For Killing Daniel Stone. LIBERTY, Mo., Sept. 7.—George W. Russell was arrested at Smithville this morning on the charge of having murdered Daniel Stone, the farmer who was found June 25 at his home, a mile east of there, with his skull crushed. The officers say that the evidence is very strong against Russell. He runs a pool hall at Smithville and has had a bad reputation. He once lived in Kansas City, and is said to have killed a man there.

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FRAKER BEHIND BARS

WHERE HE DRAWS BIG CROWDS TO SEE HIM.

Many Old Friends and Acquaintances Have a Talk With the Swindler in the Kansas City Jail—Taken to Richmond—Lawyers All Agree That He Is Sure to Go Over the Road.

Fraker, the Swindler. KANSAS CITY, Mo., Sept. 5.—Dr. George W. Fraker was brought back to Kansas City at 5 o'clock yesterday afternoon.

James Patterson, a druggist of Excelsior Springs, was the first to grasp his hand.

"Well, Dr. Fraker, how do you do?" he said with emphasis. The doctor answered in a scarcely audible voice: "How are you, Jimmy?"

Judge A. H. Dooley of Excelsior Springs was the next to speak to him and he was recognized, too, by the doctor, Melvin L. Zener, the manager of the Hartford Life and Annuity company, which had paid \$15,000 for Fraker's "death," spoke to the doctor but was not remembered by him.

E. L. Moore, manager of The Elms hotel at Excelsior Springs, Attorney D. J. Hoff, J. P. Davis, president of the Kansas Mutual Life association, the company which ran him down, and United States Marshal Jo O. Shelby were among others who crowded around the doctor and spoke to him.

He was hurriedly driven to the sheriff's office. As he sat with nervous hands clutched the hat on his crossed knees, his face, beset by browbeaten, volleyed with questions. Every detective and lawyer and newspaper reporter in the room took a hand at it. He answered all questions with the same air of meekness and weariness which has characterized him since his arrest. He had said often that he was tired and worn out from hiding out from the men who were hunting him. He said he was glad the thing was over. He did not appear glad, but he did look resigned.

Before Fraker was taken away a reporter talked with him. "I notice," he said, "that a great many people seem to believe there was a conspiracy with several persons in it. Now this is not true. When I went on that fishing excursion I was preparing to take a trip to California to bring back my boat. I had collected some outstanding debts and had \$240 in my pockets when I fell in the river. When I got out of the water half a mile below where the accident occurred, my clothing was covered with mud and I was wet to the skin. I first thought of going back to the camp, but I did not want to return to the Springs in such a plight, so I stayed in the brush all that night and the next day and caught a freight train for Kansas City the next night."

Dr. Fraker was placed in cell No. 4 on the south side, third floor, of the county jail. From the time of his arrival until late in the evening the jail was besieged with people who wished to see him. Probably 200 were admitted to see him, but very few succeeded in seeing him, in consequence of the few minutes information from him. Dr. Fraker was tired and slept fairly well last night, though after enjoying the freedom of the Northern woods so long, confinement in a close jail was most disagreeable.

About 10 o'clock Fraker induced one of the other prisoners to shave off his beard. The amateur barber did a but-his job before an audience that would have delighted the proprietor of a museum. When he had finished Fraker's face was bleeding, but fairly smooth, with no beard left except his mustache, which is light and thin and not very long. The presence of the crowd disgusted him and he would sit reading newspapers and pay no attention to the remarks and questions of his visitors.

Fraker was taken to Richmond, Mo., on the 5 o'clock Chicago, Milwaukee and St. Paul train this afternoon, Sheriff J. B. Holman of Ray county and City Marshal Byers of Richmond having come after him. Attorneys Hoff and Van Valkenburg say there is no chance that Dr. Fraker will escape conviction in the circuit court of Ray county, where he will be tried on five counts of attempted robbery, one of which is a charge of carrying a pistol concealed on his person. The information lodged by Mr. Van Valkenburg in Ray county against Dr. Fraker, and on which the warrant for his arrest was issued, charges him with violating section 3825 of the statutes of Missouri. This statute makes it a felony, punishable with seven years in the penitentiary, for a person to attempt to obtain money from any other person by means of a cheat or fraud or false pretense, or trick of any kind.

"You will notice," said Mr. Hoff, "that to violate this statute it is not necessary for a person to obtain the money by fraud; the simple attempt to obtain it is a violation of law. The statement is made in some quarters that because Fraker did not obtain any of the insurance money, and did not seek to obtain any of it, his will have left it to his relatives, he cannot be convicted under this statute. All supreme court decisions on this point hold that it is not essential that the person himself should actually receive the money. It is sufficient for conviction if he is delivered in accordance with his wish, or for his advantage, or for the purpose of effecting some object of his."

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Mr. Harrison Wants Adirondack Land. OLD FORGE, N. Y., Sept. 7.—The negotiations which ex-President Harrison is carrying on with Dr. Steward Webb, owner of thousands of acres of Adirondack land, will probably result in his buying a number of lots near First lake in the vicinity of Dodd camp, where he now is.

FINDING OF FRAKER.

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St. JOSEPH, Mo., Sept. 4.—A reporter met Dr. Fraker, the insurance swindler captured Sunday in the woods of Northern Minnesota, and his captors, Attorney Robert Herriek and Chief of Police Wilkerson of Topeka, at Talmage, Iowa, on the Chicago Great Western railway at 9 o'clock this morning. Between Talmage and St. Joseph, which was reached at 1:20 o'clock this afternoon, the reporter talked with Fraker and the others and obtained the complete story of the chase and capture, now published for the first time.

Speaking of the capture, Mr. Herriek said: "Wilkerson deserves great credit for his part of the work. For myself, I am the company's lawyer, and it is my duty to protect the company from any injustice through the courts. Of course, I shall get a good fee for this work and Wilkerson will get enough to justify him in making the trip. There is no stated reward out. All offers of reward have been withdrawn."

"The other clues have generally been fakes and we did not get Fraker until we found some one who knew him and knew where to get him. It is useless to ask who that person is, because I shall never tell."

The man under arrest is Dr. G. W. Fraker, by his own confession and by the positive identification of Judge M. W. Sullivan of Excelsior Springs.

Any stranger who had never seen him before, but had seen his picture, could be struck with the resemblance to the pictures, though he wore short burnside whiskers, a short mustache, a mixture of red and yellow. His trousers are patched, his brown wool shirt shows evidences of wear and his slouched hat has seen long and rough service. In short, he looks very much a hermit, who had lived a long time in the woods.

When asked to tell the story of his wanderings, Dr. Fraker said there was not much to tell.

"I did fall into the river the night we were fishing," he said, "and came very near being drowned. However, there was driftwood floating in the stream and I caught a log and floated down the river for a considerable distance. Finally I found a place where I could touch bottom and waded out on the land. I laid there all that night and all the next day."

When reminded that the current at the point where he disappeared formed a whirlpool where the best of swimmers would not think of venturing, he said he knew it was a terribly dangerous place and considered his escape from drowning a miracle.

No amount of questioning or argument could make him change this part of the story in the least.

"At the rooming house no one asked my name, and I did not volunteer to tell it. Then I went to Chicago. While there I think I saw Dr. I. N. Love of St. Louis, but he was talking to some ladies and I did not approach him. From Chicago I went to Milwaukee and stayed most of the fall of that year. By that time the name of Fraker had been too much advertised, and I was remembered that I was from Denver and that my name was William Schnell. I went by the name of Schnell from that time on."

"How about your being called 'Quick'?" was asked.

"You don't understand German, then?" he replied. "Schnell is the German for Quick, and a few people used the English word for it, that is all."

"I lived in Wisconsin and Minnesota ever since."

"Were you in the timber or the towns?"

"I stayed most of the time in towns. There are no big towns outside of Milwaukee in that country. I went from one place to another. No, I won't tell you what towns we visited. You must excuse me now."

"Why did you conceal your identity?"

"I didn't."

"Yes, but the assumed name and the fact that you kept out of sight when the companies were looking for you proves the contrary."

"Well, I had not decided to stay away until the papers said all kinds of things about me. Then I knew I was in disgrace and could not make a living if I came back. It was you newspaper boys who got me into it."

Then after a long pause he said: "No, it was my own fault and no one else's. I have wanted to come back a thousand times, and came near coming, but the disgrace and what people were saying about me kept me from doing so. This living death is horrible and I am glad now I am going back."

"It was telegraphed from Duluth that you expected a share of the insurance money."

"That was not true. It was all to go to my heirs."

"Were you not planning to buy some land with springs and spend \$20,000 making a resort of it?"

"The way that came to be told was that I said the springs had good medicinal qualities and it would take \$20,000 to fix them up right. I never said I had that much money, or would develop the springs. I stayed in the woods in that part of the country for the last six months to get the benefit of the springs, because my health has been bad. I have been sick nearly

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BOMBS FROM THE CLOUDS.

Dynamite Balloons Prepared for Cuban Rebels.

HARTFORD, Conn., Sept. 5.—Samuel Andrews, a machinist of this city, claims to have perfected a war balloon which he has sold to a syndicate of New York Cubans for use in aid of the Cuban insurgents. It has been tested in the fields and is said to work perfectly.

Instead of the ordinary car fixed with an armored box from which a number of bombs can be suspended the bombs are ignited and released by automatic machinery in the box and after all are discharged the box explodes, destroying the balloon. A device has been invented by which the car can control the direction of the balloon.

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THE GOLD RESERVE.

Deposits Made to Offset Anticipated Withdrawals of Gold.

New YORK, Sept. 5.—It was quite evident yesterday that the Morgan-Belmont bond syndicate expected another large drain on the sub-treasury. At the opening of business it was announced that the Farmers' Loan and Trust company had deposited \$2,000,000 in the sub-treasury. No explanation of the deposit was made, but it was generally known that it was for the account of the bond syndicate and the belief was confirmed later by Washington advices.

This is the second financial institution to come to the aid of the syndicate. The first was the American Exchange National bank, which deposited \$500,000 about a week ago. At that time it was said that a number of national banks and financial institutions which had been members of the bond syndicate had agreed to aid Messrs. Morgan & Belmont in their efforts to keep to the spirit of the contract with the government to maintain the gold reserve against exports in every way in their power.

Medico-Legal Congress.

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For a Banker's National Association.

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Women May Go Armed.

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