

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 Declaration.

Declared Unconstitutional.

WASHINGTON, Sept. 7.—R. B. Bowler, the comptroller of the treasury, yesterday rendered an opinion on the now celebrated Oxnard sugar bounty claims, in which he holds in effect, first, that he, as comptroller has jurisdiction of the case, and second, that, in his opinion, the act of March 2, 1895, making the sugar bounty appropriation is unconstitutional. He, however, decides that the papers in the case be sent to the court of claims for the rendition of a judgment, in order that there may be furnished "a precedent for the future action of the executive department in the adjustment in the class of cases involved in these sugar bounties."

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 \$5,238,289. 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.

Manufacturing establishments have been uniformly treated as private rather than public enterprises. Numerous decisions are cited tending to show that factories of all kinds, saw-mills, rolling mills, etc., are private, and are in no sense public enterprises. It is suggested that when congress gets out of the domain of law and into the realm of equity and justice, its power is unlimited. That would be no doubt true if congress could get out of the domain of law, but it cannot do so.

The bounty of the act of 1895 is not limited to those who may have suffered an injury by failure to receive the bounty of the McKinley act, but is given to all alike whether they suffered loss or not. There is nothing which indicates that it is intended to make compensation for such injury, and that cannot be implied.

By a refusal to pay the claims the ultimate rights of the claimants are in no way affected, for they have a perfect remedy in court to test the validity of their claims and obtain payment thereof after a final determination of the constitutionality of the law, if it be held unconstitutional.

A CONSPIRACY CHARGED.

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

TOPEKA, Kan., Sept. 7.—The Kansas Independent, a Populist paper, publishes a letter from a citizen of Duluth to its editor, I. W. Pack, which purports to expose a conspiracy on the part of the insurance companies and the chief of police of Topeka to arrest William Schnell and palm him off for George W. Fraker of life insurance fame. The letter is written by a German of the name of Harberger, and is to the effect that Fraker or Schnell is a crazy hermit, whose great ambition is to achieve notoriety. The author of the letter declares that it can easily be proven that Schnell has lived in the woods of Minnesota and Wisconsin for years, and that he passed in the locality where he was arrested as "King of the Forest." It is alleged that it is not the intention of the insurance companies to push his prosecution after the money handed over to Fraker's executor has been recovered. It explains that the reason why Fraker's companion in Minnesota was not taken into custody was that he would swear that the prisoner is not Fraker and furnish the names of any number of witnesses who would so testify.

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.

A Florida Girl's Terrible Fate.

AMILLA, Fla., Sept. 7.—Last Tuesday night Stella Johnson, the 16-year-old daughter of a widow who lives near here, was kidnapped. This morning the nude corpse of the girl, strapped to a log and horribly mangled, was found floating in a small lake about six miles from her home. The girl's neck had been broken and her throat cut from ear to ear. Her right arm had been severed from her body at the shoulder.

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 Te 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 on England's part in proceeding with the inquiry. The department has other reasons, which it is not yet prepared to make public.

China is expected to lend her support to the American inquiry to the extent of supplying an escort to the persons who will conduct it, but who have not yet been designated, and will probably furnish an official who will co-operate with the American investigators, as in the Ku Cheng investigation. The investigation is expected to be made by some officials now on the Chinese coast.

TRANSFERS IN THE ARMY.

Extensive Changes of Infantry Companies and Troops of Cavalry Ordered.

WASHINGTON, Sept. 7.—Extensive transfers of troops in the West were ordered to-day by the secretary of war as follows: The present garrison of Fort Buffalo, N. D., to Fort Assiniboine, Mont.; two companies of the Twenty-second infantry from Fort Assiniboine to Fort Harrison, Mont.; one company of the Second infantry to Fort Yates, N. D., to be joined by another company of the same regiment now at Fort Keogh, Mont.; three companies of the Tenth infantry now at Fort Yates and their commanding officer, Lieutenant Colonel Comba to Fort Niobrara, Neb., from which two companies of the Eighth infantry are to depart for Fort Russell, Wyo.; the three companies of the Seventeenth infantry now at Fort Russell to go to Columbia barracks, Ohio; four troops of the Seventh cavalry now in the department of Texas, to the department of the Colorado; four troops of the First cavalry now in the department of the Colorado to Oklahoma, two troops going to Fort Sill and two to Fort Reno, replacing four troops of the Third ordered from Oklahoma to Jefferson Barracks, Mo.

Fort Buford, 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.

AFTER ROTHSCHILD.

Another Attempt to Dynamite Him in His Paris Banking House.

PARIS, Sept. 7.—M. Rothschild's banking house in this city was the scene yesterday of another nihilist attempt. At 3:20 o'clock a man entered the bank from the Rue Lafitte. In the vestibule a detective, who was on guard there, saw the stranger trying to light the fuse of a bomb which he carried, with a cigarette. The ashes on the cigarette prevented the ready ignition of the fuse, and the man, seeing that he was observed, threw the bomb upon the carpeted floor. The weapon did not explode, and the man was arrested. When he was taken to the police office he boldly avowed himself an anarchist. He made a desperate attempt to use a razor before he was overpowered by the detective and a policeman, who had come to his assistance. Police officials believe, from the appearance of the culprit, that he is a brother of Pawels, who perpetrated the Madeline outrage.

To Combat Silverites.

CHICAGO, Sept. 7.—Democrats from all parts of the state are attending the meeting to-day of the Honest Money league of Illinois at the Palmer house for the purpose of preparing for the presidential campaign of 1896. Leaders of the party were present, and after transacting routine business discussed the work of the coming year and the means of combatting the free silver element of the party.

A Tennessee Negro Lynched.

NASHVILLE, Tenn., Sept. 7.—At Fayetteville last night, Dock King, colored, arrested on the charge of attempting to criminally assault Mrs. Charles Jones, near Fayetteville, was taken from jail by a mob of 200 men and hanged. He protested his innocence, but he was identified by Mrs. Jones and her sister as the guilty man.

Two Topeka Papers Consolidate.

TOPEKA, Kan., Sept. 7.—The Kansas Breeze, the official state paper, F. C. Montgomery and T. A. McNeal, publishers, and the North Topeka Mail, Arthur Capper, publisher, have been consolidated and beginning next week will be published as the "Kansas Breeze and Topeka Mail."

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.

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. Hall, J. P. Davis, president of the Kansas Mutual Life association, the company which ran him down, and United States Marshal J. 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 clutching the hat on his crossed knees, he was beset by reporters, who asked 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 nephews. I had collected some outstanding debts and had \$540 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 cabin, but I did not do so. I returned 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 engaging him in conversation and fewer secured any 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 moustache. The amateur barber did a butcher's 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. He had a thin 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. R. Holman of Ray county and City Marshal Byers of Richmond having come after him.

Attorneys Haff 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 attempting to cheat the insurance companies. 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 3226 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. Haff, "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 having 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 because Fraker did not obtain any of the insurance money, and did not seek to obtain any of it, his will having 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. 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