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THIRTY-SIXTH YEAR. SOUTH BEND, INDIANA, WEDNESDAY EVENING, FEBRUARY 10, 1909. MEMBER ASSOCIATED PRESS FULL LEASED WIRE SERVICE PRICE TWO CENTS.

HOUSE WILL PASS OPTION REPEAL

REFUSE TO POSTPONE ACTION ON MEASURE.

BILL IS TO BE AMENDED

Proctor-Tomlinson Draft Cannot Go to Engrossment Until Certain Republicans Talk on Their Ideas.

BULLETINS.

INDIANAPOLIS, Feb. 10.—Democrats are planning to have the Kleckner ward and township option bill handed down immediately after the disposal of the Proctor-Tomlinson bill this afternoon. The committee on morals returned the Kleckner bill to the speaker's desk to-day. The object of this move, it is said, is to put the temperance democrats on record against the platform bill.

INDIANAPOLIS, Feb. 10.—The senate this afternoon passed the Bland bill for a uniform system of public accounting. The vote was 27 to 22. The bill was amended, to place the secretary of state at the head of the accounting department instead of the governor.

By Associated Press.

INDIANAPOLIS, Feb. 10.—The house of representatives at 12:20 o'clock this afternoon rejected the minority report of the committee on public morals for the indefinite postponement of the Proctor-Tomlinson county option repeal bill. The vote stood 44 to 54. The majority report for the adoption of the report recommending the passage of the bill was adopted.

Immediately after the adoption of the majority report the house again changed its attitude and refused to send the bill to engrossment until there had been opportunity to amend it. After the result of the vote on the minority report had been announced Representative Garrard made a motion to send the bill to engrossment.

In an instant several republicans were on their feet, including Representatives Schroeder and Hewitt, of Evansville, who had voted for the rejection of the minority report. The Evansville men declare they had been misled by the speaker, who stood that they were to be given an opportunity to present them. They protested against what they described as the "road roller" method attempted to pass the bill to engrossment. The "ayes" and "noes" were demanded on the motion to send the bill back to the table, the table at the time on the motion was lost by a vote of 51 to 42.

Republicans for Bill.

Republicans who voted against the adoption of the minority report for the indefinite postponement of the bill were Representatives Bland, Bowling, Kinney, Sailor and Schroeder. Republicans who voted to postpone the bill were Representatives Chrisney, Cline, Cochran, Cable, Durham, Hostetler, Madigan, Mash, Merriman and Sipes. Other representatives voted with their respective of their party. There were no absentees.

There was an air of expectancy when the Proctor-Tomlinson bill was handed down for second reading. The galleries of the house were packed, as well as seats on the floor at the sides on the aisle.

As soon as the minority report for the postponement and the majority report for the passage of the bill had been read Representative Mortiman, chairman of the committee, said that the proposed amendments were to be acted on the bill as read.

Representative Mash, democrat, who has been recognized as an anti-repeater, opened the battle by an attack on the bill.

"This bill is not a democratic measure," said Mash. "It has never been before a caucus and the members of the democratic party are not bound by a vote for it. The majority of the party will take the present law away from the people and the people have spoken in no uncertain terms." Mr. Mash comes from Clinton county which voted out its lone saloon in a county option election pentagonal.

Sunday Baseball Bill Up.

The senate passed the bill to insure most to-day by the passage of the Holley Sunday baseball bill by a vote of 32 to 14. The bill will now go to engrossment as amended to make slight corrections in the technical points.

The amendments to the Sunday baseball bill were submitted by special permission, Senator Durre, chairman of the committee on judiciary II, asking the senate to hand in the report and depart from home because of the death of a friend.

The majority report favoring the passage of the bill was signed by Senators Durre, Wood, Proctor, Hoyne, Bingham and Hostetler. The minority report for indefinite postponement was signed by Senators Cox, Hanna, Kirkman, Moore and Bivings.

Proponents of the bill declare the report of the vote this morning did not indicate their desire to be recorded as adversal who voted for the adoption of the minority report wished to have the question settled on the floor of the senate and to get the bills printed before the members.

Accounting Bill Adopted.

By a strict party vote the amendment to the bill and public accounting bill agreeing to the report of the committee on finance last night was adopted. The democratic minority, led by Senator Kistler, scored the repetitions of having political ends in view by offering the amendments and a party class was the result. The amendment adopted by the senate gives to the executive powers out of the hands of the government makes the secretary of state ex-officio chief examiner of all public accounts.

Senator Kistler, who called Senator Mattingly to his desk vote two years ago to remove powers from the governor in insurance insufficient. The democratic leader replied that he was not present at the time the vote was taken but that he would have voted against giving such powers to "that governor."

Senator Mattingly said that the amendment did not take away the powers of the governor to investigate the insurance, but only the provisions of another law. The bill will come up again at 2 o'clock this afternoon.

The house took up bills on second reading immediately after the adjournment and the morning. The rapid dispatch of the bills was expected, however, by the handing down of the Proctor-Tomlinson county option repeal bill. The bill was ready for amendment and the debate over proposed amendments was expected to take up a greater part of the afternoon.

Representative Hume, of Marion county, replied to Malan by declaring that the election of Gov. Marshall was sufficient to convince Hume's attitude of the people. Hume's speech was a strong and forcible argument for the repealers during the debate. Representative Talbott, republican, followed Hume in opposition to the bill.

Not Democratic Measure.

"This bill is not a democratic measure," declared Talbott. "It proposes to take away from the people. You know that somebody has come between you and the people." Talbott pointed to the democratic majority as he spoke. "The bill is unfair and unjust and will be choked up by battles."

Representative King, floor leader, followed with the charge that the brewery interests were backing the bill.

"The purpose of this bill," said King, "is to restrict the right of the people to regulate the saloons. You have repudiated your platforms. I have received telegrams from men who are on every floor of the house demanding their pound of flesh. This bill is demanded by the brewery interests of the state."

Representative Hewitt, the democrat who refused to sign either the minority or majority report, followed Representative King in denouncing of the bill.

The vote was then taken up and continued for almost an hour, motions to adjourn being made and voted on repeatedly by both Representatives Haggard, republican, of Tippecanoe county, made an argument in favor of the bill in explaining his vote. Representative Hewitt, who had declared he came to the legislature as a free lance and that he was doubtful before either party had made its platform.

Another result of the vote had been announced by Representative Cable, democrat, who had voted against the postponement of the bill was granted of permission to change his vote.

Two Amendments Proposed.

The amendments proposed this afternoon by the Evansville representatives are to allow saloons within 1 mile of the limits of Evansville, Terre Haute and Fort Wayne. This would not affect prohibition within four miles of the corporate limits of such cities. The amendment will be offered by Hewitt, Schroeder and Hewitt, of Evansville, representative Schroeder, also of Evansville, has an amendment providing that saloon licenses may be granted for territory between the corporate and police limits providing a majority of the residents petition for the granting of the license.

SOUTH BEND WILL GET 60 CENT GAS

IF DURRE BILL PASSES CONSUMERS WILL PROFIT.

Evansville, Terre Haute and Fort Wayne are Also to Receive Relief From High Rate.

The Tribune's Special Service.

INDIANAPOLIS, Feb. 10.—The Durre bill for 60-cent gas in cities of the second class was reported for passage in the senate this afternoon. If it passes it will apply to Evansville now and to Fort Wayne, South Bend and Terre Haute after the next census.

ROOSEVELT SPANKED BY GERMAN YOUTH

Ernest Minckwitz Showed the Future President How Trick Was Done.

By Associated Press.

GREELY, Col., Feb. 10.—Ernest Minckwitz, formerly chemist in the Windsor sugar factory, enjoys the distinction of being a youth in this Colorado who spanked Theodore Roosevelt when the latter was a boy. He says that when Roosevelt visited the Windsor factory he was placed in the Minckwitz family at Dresden, Germany, to learn German. One day young Roosevelt put on some looking gloves and gave the German lad a challenge to box. "This is the way we do it in America."

Whereupon the stout lad, who was a few years the senior of the future president, took him across his knee and spanked him soundly. "This is the way we do it in Germany."

Minckwitz says three years ago he was at the white house and President Roosevelt recalled the incident.

DOG SAVES LIVES OF 12.

Barking of Collie Awakens Guests in Italian Hotel.

By Associated Press.

NEW YORK, Feb. 10.—The barking of a collie dog owned by Cesare Gallo, proprietor of the Hotel Del Europa on West Twenty-second street, saved the lives of the dozen guests who were asleep in the hotel when a fire broke out in the basement early today.

Gallo, who slept on the second floor with his wife and three children, was awakened by the dog and found the hall filled with smoke. An alarm was sent in and the fire was extinguished. Several of the guests who were in their night clothes had to be carried to the street.

Last of Pears Family.

By Associated Press.

LONDON, Feb. 10.—Andrew Pears, managing director and head of the well known firm of A. and F. Pears, limited, died at Isleworth today of a heart disease. He was born in 1846 and was the last member of the Pears family to be connected with the firm.

Autolets Have Narrow Escape.

By Associated Press.

CORBIE, France, Feb. 10.—An automobile containing a party of American tourists was overturned here today. All were slightly injured. The party refused to give their names and proceeded for Paris.

IS KNOX ELIGIBLE? NATION GUESSING

CONSTITUTION MAY BAR SENATOR FROM CABINET.

OBSTACLE IN HIS PATH

Unconvertible State of Affairs Suddenly Arises at Washington and Causes First Taft Appointee Much Concern.

By Associated Press.

WASHINGTON, Feb. 10.—Is Senator Knox eligible for appointment as secretary of state in the to-morrow administration or must the president-elect when he again touches American soil find himself confronted with the pressing necessity of selecting a new premier for his cabinet?

This was a question that confronted all official Washington this morning. It was true that the first suggestion of the possible constitutional obstacle to the appointment of Senator Knox as secretary of state was broached yesterday, but it was too late at night that no one had an opportunity to lay hands upon the legal authority which might serve as a basis for an answer to the question. Consequently this morning there was much cudgeling of constitutions, statute books and decisions of courts in an endeavor to ascertain the facts and gather usual sources of such information.

Facts Are Plain.

The facts in the case are perfectly plain. There is no dispute about them. Senator Knox was last elected for a six-year term which will not expire until March 4, 1911. The constitution prohibits the appointment of a senator to an office created, or the salary of which has been increased during the term for which he was elected.

The question is whether under this unconvertible "state of affairs" Senator Knox can lawfully succeed Robert Bacon as secretary of state on March 4. It is quite evident that the senator himself is a good deal perplexed over the situation. At the time he was in conference with President-elect Taft he was not in a position to advise with his personal friends, especially those of a legal turn of mind, and without doubt he will have a message on the wires before President-elect Taft reaches Washington, which will, in his own conclusion, remove the difficulty to the office of secretary of state.

Before the day is over there will be a good deal of speculation as to the effect of a loss important to Mr. Taft's plans, so that the question should not be left unanswered. Meanwhile, in my opinion entitled to some consideration is the effect that President-elect Taft can find a way to appoint Senator Knox secretary of state without actually violating the United States constitution.

ASSEMBLIES ARE STUBBORN

Refuse to Yield in Two Senatorial Contests.

By Associated Press.

SPRINGFIELD, Ill., Feb. 10.—The joint point ballot in the general assembly for the election of a United States senator, proceeded without incident to-day and made little change from recent ballots. Senator Hopkins received 74 votes to-day as against 72 yesterday. Thirteen democratic votes were cast for John P. Hopkins, of Chicago. No shifting of votes which would indicate a change occurred in the joint balloting.

At the conclusion of one ballot the Sexton votes were and will assume the balloting to-morrow at noon.

The total vote in the joint session was Hopkins 87; Foss 19; Stringer 1; Lawler 1; Cullom 1; Sherman 1; Lowden 1; Cullom 1; Sherman 1; Mitchell 4; John Eastman 13. Constitutional majority 76 on entire session ballot.

MADISON, Wis., Feb. 10.—The ninth ballot for United States senator resulted when the latter was a party. Senator Stephenson to-day received 59 votes to-day as against 72 yesterday. Thirteen democratic votes were cast for John P. Hopkins, of Chicago. No shifting of votes which would indicate a change occurred in the joint balloting.

At the conclusion of one ballot the Sexton votes