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THE SIMPLE LIFE

BY CHARLES WAGNER

(Translated from the French by Mary Louise Hendee.)

At the home of the Blanchards, everything is topsy-turvy, and with reason. Think of it! Mlle. Yvonne is to be married Tuesday, and today is Friday! Callers loaded with gifts, and tradesmen bending under packages, come and go in endless procession. The servants are at the end of their endurance. As for the family and the betrothed, they no longer have a life or a fixed abode. Their mornings are spent with dressmakers, milliners, upholsterers, jewelers, decorators, and caterers. After that, comes a rush through offices, where one waits in line, gazing vaguely at busy clerks engulfed in papers. A fortunate thing, if there be time when this is over, to run home and dress for the series of ceremonial dinners—betrothal dinners, dinners of presentation, the settlement dinner, receptions, balls. About midnight, home again, harassed and weary, to find the latest accumulation of parcels, and a deluge of letters—congratulations, felicitations, acceptances and regrets from bridesmaids and ushers, excuses of tardy tradesmen. And the contretemps of the last minute—a sudden death that disarranges the bridal party; a wretched cold that prevents a favorite cantripe from singing, and so forth, and so forth. Those poor Blanchards! They will never be ready, and they thought they had foreseen everything.

Such has been their existence for a month. No longer possible to breathe, to rest a half-hour, to tranquilize one's thoughts. No, this is not living!

Mercifully, there is Grandmother's room. Grandmother is verging on eighty. Through many toils and much suffering, she has come to meet things with the calm assurance which life brings to men and women of high thinking and large hearts. She sits there in her arm-chair, enjoying the silence of long meditative hours. So the flood of affairs surging through the house, ebbs at her door. At the threshold of this retreat, voices are hushed and footfalls softened; and when the young fiancés want to hide away for a moment, they flee to Grandmother.

"Poor children!" is her greeting. "You are worn out! Rest a little and belong to each other. All these things count for nothing. Don't let them absorb you, it isn't worth while."

They know it well, these two young people. How many times in the last weeks has their love had to make way for all sorts of conventions and formalities! Fate, at this decisive moment of their lives, seems bent upon drawing their minds away from the one thing essential, to harry them with a host of trivialities; and heartily do they approve the opinion of Grandmamma when she says, between a smile and a caress:

"Decidedly, my dears, the world is growing too complex; and it does not make people happier—quite the contrary!"

I also, am of Grandmamma's opinion. From the cradle to the grave, in his needs as in his pleasures, in his conception of the world and of himself, the man of modern times struggles through a maze of endless complication. Nothing is simple any longer: neither thought nor action; not pleasure, not even dying. With our own hands we have added to existence a train of hardships, and lopped off many a gratification. I believe that thousands of our fellow-men, suffering the consequences of a too artificial life, will be grateful if we try to give expression to their discontent, and to justify the regret for naturalness which vaguely oppresses them.

Let us first speak of a series of facts that put into relief the truth we wish to show.

The complexity of our life appears in the number of our material needs. It is a fact universally conceded, that our needs have grown with our resources. This is not an evil in itself; for the birth of certain needs is often a mark of progress. To feel the necessity of bathing, of wearing fresh linen, inhabiting wholesome houses, eating healthful food, and cultivating our minds, is a sign of superiority. But if certain needs exist by right, and are desirable, there are others whose effects are fatal, which, like parasites, live at our expense: numerous and imperious, they engross us completely.

Could our fathers have foreseen that we should some day have at our disposal the means and forces we now use in sustaining and defending our material life, they would have predicted for us an increase of independence, and therefore of happiness, and a decrease in competition for worldly goods: they might even have thought that through the simplification of life thus made possible, a higher degree of morality would be attained. None of these things has come to pass. Neither happiness, nor brotherly love, nor power for good has been increased. In the first place, do you think your fellow-citizens, taken as a whole, are more contented than their forefathers, and less anxious about the future? I do not ask if they should find reason to be so, but if they really are so. To see them live, it seems to me that a majority of them are discontented with their lot, and, above all, absorbed in material needs and beset with cares for the morrow. Never has the question of food and shelter been sharper or more absorbing than since we are better nourished, better clothed, and better housed than ever. He errs greatly who thinks that the query, "What shall we eat, and what shall we drink, and wherewithal shall we be clothed?" presents itself to the poor alone, exposed as they are to the anguish of morrows without bread or a roof. With them the question is natural, and yet it is with them that it presents itself most simply. You must go among those who are beginning to enjoy a little ease, to learn how greatly satisfaction in what one has, may be disturbed, by regret for what one lacks. And if you would see anxious care for future material good, material good in all its luxurious development, observe people of small fortune, and, above all, the rich. It is not the woman with one dress who asks most insistently how she shall be clothed, nor is it those reduced to the strictly necessary who make most question of what they shall eat tomorrow. As an inevitable consequence of the law that needs are increased by their satisfaction, the more goods a man has, the more he wants. The more assured he is of the morrow, according to the common acceptance, the more exclusively does he concern himself with how he shall live, and provide for his children and his children's children. Impossible to con-

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EQUAL RATES TO ALL

Special Contract Cannot Excuse Freight Privileges.

Opinion by Chief Justice Clark in Hilton Lumber Company vs. A. C. L. Makes Stringent Rule Against Discriminations by Railroads.

In the case of the Hilton Lumber Company against the Atlantic Coast Line Railroad in which the plaintiff company charges that the railroad discriminates against it in the matter of rates, an opinion was handed down in the Supreme Court last week sustaining the contention of the plaintiff and declaring that the lumber company "had a right to have its logs carried to its mill at the same rate as others without binding itself to ship its lumber by the defendant, or indeed to ship it at all."

The opinion was written by Chief Justice Clark, Justices Connor, and Walker concurring. The text of the opinion follows:

SUPREME COURT OF NORTH CAROLINA, August term, 1904. 172. New Hanover, Hilton Lumber Co., appellant.—Atlantic Coast Line Railroad Co., respondent.

Roundtree & Carr for appellant; Junius Davis for appellee. The gist of this action is for discrimination by the defendant in charging the plaintiff a higher rate on logs to the plaintiff's mill in Wilmington than was charged others for like service, and to recover the over-charges which had been paid under protest. The point presented is not that the rate, \$2.50 per thousand feet in car load lots charged the plaintiff, is per se unreasonable, but that the rate charged others for the same service for the same distance was \$2.10 and that this is a serious discrimination which if continued will result in the crippling of the plaintiff's mill and the building up of the other mills which are in competition with the plaintiff, for it has in five months amounted to \$3,900 for the recovery of which this action is brought.

The court charged the jury: "If you find that the rate of \$2.10 per thousand feet was charged and collected by the defendant upon logs shipped over any part of its road to a mill or mills at which logs were manufactured into lumber and the lumber itself reshipped over the railroad of the defendant, or any part of it, and that the reduced rate of \$2.10 per thousand feet was charged to a mill or mills in consideration of such fact that they would ship the lumber manufactured out of said logs over the line of the defendant's road, which said agreement was open to all mills that wished to accept it, then it would not be an unjust or illegal discrimination to charge \$2.50 per thousand feet, which it is not contested is a reasonable rate to mills which did not ship their manufactured lumber over the line of the defendant road."

The proposition herein stated is that a common carrier has a right to charge one person a lower rate of freight than another for shipping the same quantity, the same distance, under the same conditions, provided the shipper gives the company a consideration (shipping the manufactured lumber subsequently over its line) and its managers think will make equality as to the treasury of the company, it is none the less a discrimination against the plaintiff. It is charged \$2.50 while others are charged \$2.10 for the same service. It is true if the plaintiff should choose to agree to ship its manufactured lumber out of Wilmington over the defendant's line, it could get the same reduction of rate on its logs into Wilmington. On those conditions it could save itself from being discriminated against. But suppose the plaintiff should wish to sell its lumber in Wilmington, or can ship it at a lower rate by sea, or even by a competing railroad line out of Wilmington, has it not the right to do so?

Should it see fit to exercise that right, the defendant carrier has the power to place a penalty of 19 per cent, higher rate on the plaintiff and to charge it \$2.50 for bringing its logs to Wilmington when it charged others \$2.10 for exactly the same service? The principle involved is a vital one to the public at large, for upon this alleged right to discriminate by common carriers (exercised either openly or secretly by rebates), nearly all trusts, and especially the Standard Oil Co., have been built up to their present disquieting and menacing predominance, as has been fully shown by the investigation and report of the Industrial Commission and the Inter-State Commerce Commission, both appointed by acts of Congress.

Under the same idea that the test was the fact that the railroad company would not lose by the favor extended in the present case by charging certain shippers \$2.10 while charging the plaintiff \$2.50, another railroad charged the Standard Oil Company 19c. per barrel while charging its competitors 35c. per barrel, and paying 25c. of the 35c. thus collected to the Standard Oil Company. Handy v. Railroad, 31 Fed. Rep. 639. The railroad company in that instance must have found its offset, its profit, somewhere or it would not have made that arrangement. But what became of the competitors of the Standard Oil Company?

Here, the railroad company will doubtless make up out of its forced monopoly of shipping out of Wilmington the lumber to be manufactured

out of all the logs hauled in by it, the 40c which is deducted in favor of those who will give it that monopoly.

But why should it discriminate by rates upon logs which when turned into lumber are sold in Wilmington, or shipped by sea, or shipped by a competing route? It costs no more to bring in the plaintiff's logs than the logs for those whose hauling only \$2.10 should cost. The shipment of logs to Wilmington is one transaction; the shipment of lumber out is another. The defendant cannot charge the plaintiff higher on logs because it will not agree to ship its lumber by the defendant's line. It is no answer to say that if the plaintiff will be treated on the defendant's terms it will get the same discount. The defendant might as well say, if you will carry your logs to a saw mill in which the railroad company is a large owner, you will get the 19 per cent reduction in rates on your logs, and there is no discrimination, for the same offer is open to you as to others.

If the plaintiff, like others, was shipping logs to Wilmington with the voluntary intention of shipping by the defendant's road, say to New York, then certainly there would be no discrimination. But the plaintiff does not wish to ship to New York over the defendant's line, and the defendant proposes "to put the screws to the plaintiff" and make it do so whether it wishes to do so or not, and if the plaintiff does not do so, the defendant says the plaintiff can be treated as well as others as to the rates for hauling its logs, but must pay nearly one-fifth (19 per cent.) higher rates on its logs. That is the very point at issue. Hauling its logs to Wilmington is the only service the plaintiff seeks at the defendant's hands. Why should it pay higher for that service than those who agree to carry their logs to the defendant's mill or to ship out their lumber by the defendant's road?

Discrimination is a more dangerous power than high rates—if the latter is charged impartially to all. Hence the statutes of Congress and of the state, while leaving the fixing of rates in the hands of commissions, have directly and strictly forbidden under penalties any discrimination. Common carriers are fixed for public use. They exercise a branch of the public franchise. They can condemn rights of way solely because the land "is taken for a public use." They are subject to governmental supervision and to the reduction or regulation of their charges by the legislature directly or by commissioners appointed by its authority. *Munn v. Illinois*, 94 U. S. 113 and citations to same 9 *Rose's Notes* 21-55. In all the great countries of the world except England and this country, the railroads are largely or altogether owned and operated directly by the government, as was formerly the case in North Carolina. In all countries alike it is recognized that it is of vital importance that corporations exercising such public use must be absolutely impartial and equal in their charges for the same service.

All the service the plaintiff asks of the defendant is to haul its logs to its saw mill in Wilmington. For this it charges the plaintiff \$2.50; it charges others \$2.10, i. e., 19 per cent. higher than the plaintiff than to others for exactly the same service. It costs the defendant no more to render that service to the plaintiff than to render the same service to others. It must charge all alike.

Could the defendant discriminate on shipment of logs to Wilmington—for a consideration of a subsequent benefit to itself by obtaining a monopoly of shipment of lumber out of Wilmington—it could seriously damage the business and prosperity of that city. At that point are steamships and sailing lines and other railroads and this competition making the town a distributing center is the source of its prosperity. The terms upon which the defendant will haul logs into Wilmington are that it must haul the lumber out, then Wilmington ceases as to that business to be a competing point. The same discrimination could be made (if this were allowable) in freight on cotton or corn or rosin and other articles carried to Wilmington to be manufactured or put into other forms for use. Discriminative rates as in this case could be charged on the raw product which would permit of the manufacture of articles, cloths, yarn, meat, whiskey, turpentine and the like, being shipped out only over the defendant's line. This is to place the prosperity of Wilmington, and also of the producers of raw material contiguous to that city, along the lines of any of the defendant's roads or branches, in the control of the defendant.

The point here presented has been often decided and always, certainly at least in recent years, against the power claimed by the defendant. In *Baxendale v. Railroad*, 94 E. C. L. 308, after an elaborate argument, it was held by a very strong court as to this point: "It is not a legitimate ground for giving a preference to one of the customers of a railroad company that he engages to employ other lines of the company for the carriage of traffic distant from and unconnected with the goods in question; and it is undue and unreasonable to charge more or less for the same service according as the customer of the railway

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MR. DOOLEY

ON SIEGES.

(BY FINLEY PETER DUNNE)

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"Thim poor la-ads in Port Arthur must be havin' a tur-rble time," said Mr. Hennessy.

"Ye niver can tell," said Mr. Dooley. "Iv coorse it looks as though they were. Ivry day or two whin Port Arthur hasn't fallen no more or is laid up fr'm th' last fall, I read in th' pa-apers that th' corryspandint iv th' London Fudge, a highly onprejudiced obsarver or liar stationed at hefoo has larned fr'm a Chinyman who has jus' arrived fr'm Pekin on a junk that th' conditions is something that wurruds cannot describe. Says he: Th' conditions at Port Arthur baffle description an' stagger th' imagination. On'y fourteen iv th' original defendars survive an' they ar-re rayjooiced to skeletons. They live in underground caves an' cook their boots on explodin' bombs dropped in be th' Japanese. Las' week Gin'ral Blinkovitch shot an' kilt Gin'ral Bejeski in a quarrel over a bar iv soap which th' former was atin' fr' lunch. Gin'ral Stoessel has lost both arms, a leg an' th' right ear, but he is still cheerful an' las' night had his fur overcoat cooked an' sarved at a dinner to th' officers iv th' Proibitjenky reg'mint. He proposed a toast to th' imp'ror in kerosene. Th' toast was subsquently devoured be th' famished garrison. None iv th' garrison sleep at night much on account iv th' heejous roar iv th' Jap'nese shells which are dhropped into th' town at th' rate iv wan millyon a day. Me informant tells me, an' he's a man whose wurrud I wud accept as soon as me own, that th' ships in th' harbor have been convarted into junk, which must not be confused with th' Chinese boats iv th' same name. As fast as they ar-re destroyed, they ar-re eaten be th' crew. It is no uncommon sight to see a starvin' Russian sailor divin' in th' harbor fr' a cast-iron bolt or some such toothsome morsel. Th' intelligen' Chinyman who brought me th' news escaped just as th' cook fr' Gin'ral Stoessel was about to put him in th' oven. Th' Chinese are great sticklers fr' presarvin' their identity after death an' this man nachrally didn't like to jine his uncesthors in th' shape iv chop-sooey. Altogether th' condition iv Port Arthur is worse thin ye'er readers cud imagine an' almost as bad as they cud hope. Th' Port Arthur Daily Melojeen, th' on'y paper now published there, has a long kick in th' last issue about delinquent subscribers. It is headed "Meanin' You" an' goes on to say that th' iditor an' his wife mus' live, that they have jus' moved into a new dug-out an' that if th' cash is not forthcomin', he will be obliged to minton names."

"An' that's what I can't understand, Hinnissy. How is it, d'ye suppose, that if Port Arthur is so bad off, they can have a daily paper? Th' man that runs it must be a gr-reat journalist. I wudden't like to give up me paper. It's all I have in life. But if I was as thin as an empty hen-coop an' had just devoured me las' collar an' if I knew that I wudden't make aven a dacint muss iv a Jap'nese shell hit me but wud look like a pile iv loose lathes and shavin's struck be a cyclone, d'ye suppose in thim circumstances I wud be polite to a man who come ar-round an' offered me an onyx clock an' a hatful iv thradin' stamps to subscribe to his pa-aper? An' think iv th' iditor. What a job! He has aten a pair iv rubber boots an' washed it down with a pint iv ink an' he has to go out an' colliet th' news on his hands an' knees. Thin he has to write it up: 'Society jottings: Ourselves an' wife attended a mos' joyful gathering at Gin'ral Punspinkki's palatchal quarters in Bomproff. A las' night. Th' jaynal gin'ral had provided a bountiful repast—a beautifully cooked war map which he had procured at great expinse. Th' Jap'nese advanced positions fell to our lot an' we put it away with gr-reat gusto although if anything there was too much red ink on it. Our host was at his best an' th' morning' was far advanced before we reeled home. Ivrybody agrees an' in-jyable time was had. There is no war news as th' London papers ar-re unavoidably late an' our corryspandint is at th' front. Th' nex' time we sind a corryspandint out with a Rooshan army, we'll sind him to th' rear where he can get some news.'

"An' while he's getting th' pa-aper ready a Jap shell is lible to come through th' roof iv his office an' pi both him an' th' form so bad that nayther wan iv thim can be set up again.

"No, sir, if I ain't far out iv th' way, Port Arthur ain't sufferin' nearly as bad as I am about it. It wud prob'ly be th' place to spind th' winter if ye didn't mind livin' in a fallen city,—a quiet life, conjaynal people, comfortable an' safe homes, little wurrud an' some fightin'. It's always th' same way. I've wept me last weep over th' sufferin' iv th' besieged. I shed many tears on account iv th' poor Spanyards in Sandago but whin th' American sojers got into th' town they were almost suffocated be th' small iv garlic cookin' with omelettes. I raymimber how pained I was over th' disperate plight iv th' sojers an' diplomats at Peking. I rushed an army over there. They kilt Chinymen be th' thousands an' in th' face iv incredible misstatements fought their way to th' dures iv th' palace where their starvin' brothers were imprisoned. What did they find? They found th' diplomats in their shirt sleeves fillin' packin' cases with th' underwear iv th' Chinese imp'ror an' th' spoons iv th' Chinese impress. Th' air was filled with cries iv 'Hinnery, won't ye set on this thrunk? I can't get th' lid down since ye put in that hateful idol. Th' English ambassade was thyrin' on a goold brocaded vest four thousand years old, th' Frinch ambassadeure was cratin' up th' imp'ror's libry an' th' German embassy an' gallant officers iv th' Kaiser were in th' observatory pryin' off th' brass fittings iv th' tillyscopes.

"So I'll save me tears about Port Arthur till all th' rayturns are in. I'd like to get hold iv a copy iv th' Port Arthur Melojeen. I wonder where I cud subscribe to it. I'd bet ye'd find it cheerful. Yisterdah was univintful. Th' Jajs threw a few shells before breakfast an' thin retired. This thing has got to stop. Friday we had a dog lamed an' if this occurs again we will appeal tothe authorities. Th' Eschemojensky band give a concert on th' public square an' many iv th' townspeople turned out to hear it. John Smithinski was up before Judge Hoganenski on th' familiar charge. He was sentenced to twinty knouts or fifty days. Main shreet is torn up again. How long will this condition last

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