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WILMINGTON. N. C., TUESDAY, FEBRUARY 6, 1906.

FIVE CENTS

ito Senators '

# **VIOLATES CONSTITUTION**

Treaty Like the Dominican Should votes would not be a circumstance to Not be Subject to Party Action

Mr. Patterson Which Will be Dis-Discussed in the House, Several Representatives Taking Part in the Debate-Vote May be Taken Wednesday.

Washington, February 5 .- The Senate was treated to a distinct sensation today by Mr. Patterson (Democrat, Colorado) who followed up his retirement last Saturday from the Demo-Senate a resolution in effect declaring in inception. the action of the caucus to have been contrary to the constitution of the United States.

unexpected on the part of a majority of Senators and they listened attentively as the reading of the rather long preamble progressed, evidently not a little concerned as to what should come next. Mr. Patterson made no effort to secure the privilege of discussing the resolution today, but gave notice that he would address the Senate upon it tomorrow or at the first available day afterwards. It is expected that the Democrats generally will resist the adoption of the resolution, and that the Republican Senators will sustain Mr. Patterson's contentions. Aside from the personal interest in Mr. Patterson's political fortunes, the resolution raises a new question as to the rights of Senators generally, so that there is much scope for animated discussion and wide margin for difference of opinion. In all probability, several days will elapse before the question is settled.

Mr. Patterson's resolution recited that the action of the Democratic caucus in dictating to Senators how they should vote was a plain violation of the was entitled to one vote, and any attempt to coerce him was an invasion ator who permits himself to be so dictates degrades his high office and assails the dignity and standing of the

Mr. Lodge had prepared a resolution similar to that of Senator Patterson declaring that a treaty like the Dominican should not be made the subject of party action, but withheld it when he heard that Mr. Patterson had proposed a resolution. This he heard from the lips of the Colorado Sentator, who claimed the privilege of present- ical sensation of the hour and nothing the matter. Mr. Lodge conceded ing else is discussed in the political the superiority of Mr. Patterson's clubs. It was stated very emphatically

Mr. Tillman objected to the present consideration of the Patterson resolution unless it was a question of personal privilege. Mr. Patterson said it Affairs Amos Douglas would be apwas not, and gave notice that he would pointed leader ad interim until Mr. discuss the resolution tomorrow.

Before Mr. Patterson's matter came up, Mr. Bacon had given notice of a speech for tomorrow, so that it is probable that Mr. Patterson's speech will be postponed until Wednesday.

Mr. Gallinger succeeded during the voting on the shipping bill, the time sons say positively that Mr. Balfour testimony in the Hapgood case that he The Senate adjourned until tomor-

The House. able fault was found with the railroad bill in the House today, considering the fact that it is the measure of both parties. Mr. Littlefield, of Maine, whether they will contest the seat for opened the day with a whirlwind the city of London, and in view of the speech in which he pointed out the latest development there is a likelidrastIc and far-reaching effect of its provisions. The committee, hesaid, had gone much further than he was willing to go. He will not vote for the bili.

Mr. Littlefield said he would demonstrate the incapacity of the interstate commerce commission and from their own records. "And," he added, "I will give them that square deal that we hear talked of so much and see so ittle practiced. The commission had been overruled two thirds of the time. he said.

The bill provided seven commissioners and made four a quorum and it Carolina, S. Brown Allen, Western diswas possible for the President to re- trict of Virginia. move three and leave all the power in the majority of the remaining four. It would be then that this dangerous power would rise up and curse its makers.

Mr. Grosvenor, of Ohio, ridiculed the alleged popular demand for the legislation, picked flaws in the construction toms. District of Richmond, Va.

CAIICIS of the bill complained because no amendments were to be allowed, and concluded with the statement that he should do his best to get the bill out of the house at the earliest possible

Mr. Stevens (Minnesota) took issue Party Has no Right to Dictate with Mr. Littlefield's assertion that the courts could only review a rate when it was confiscatory. The bill, he said, abridged no rights of railroads to get into court.

Mr. Lamar (Florida) announced he should support the bill cheerfully. William J. Bryan and William R. Hearst were back of the bill, and it had been wrung from the majority. He regretted the Democratic party had not at the last session "Put it up to the Republican party" to vote against a bill as strong as the present measure. If it had been done the burial of Judge Parker under two and a half million the burial of the Republicans at the next election. "It is wrung from you by your fears," he said.

The bill ought to have three amendments, in the opinion of Mr. Lamar. It should include control of freight classification, the commission should Interesting Situation in the Senate pass on the reasonableness of a rate Brought About by a Resolution of before it was put into effect by the railroads and the roads should be compelled to furnish adequate facilities to cussed Later-Railway Rate Bill meet the demand of shippers. At the proper time, he should offer these amendments.

An anti-pass amendment was advocated by Mr. Gaines (Tennessee). He never rides on a pass himself and would provide a penalty of \$1,000 against persons accepting passes. Passes, he said, made passenger rates higher for the masses and were a species of corruption.

Mr. Hardwick (Georgia) justified the legislation as meeting the demand of shippers and then reviewed its history been awarded him, as the Savannah the lines embraced in the Pennsylvacratic caucus by introducing in the to show it was essentially Democratic Dredging Company, he thought, would

Messrs. Pou (North Carolina) and Underwood (Alabama) made short addresses in advocacy of the bill.

At the conclusion of the day, Mr. Apparently the Senator's action was Hepburn, in charge of the measure, day. The reading of the bill will begin at once, and he is of opinion that it can be concluded, all prepared amendments disposed of and the bill passed the same day.

The House adjourned until tomor-

### CHAMBERLAIN QUIT PARTY

British Political Sensation Monday Morning Unionist Newspapers Say it is Definitely Known That the Champion of Modified Protection and Coloniel Preference Has Left Former Premier Balfour and is Expected to Form New Party.

London, February 5 .- That there is a split in the Unionist party is recognized as an existing fact by the Unionist newspapers this morning. They say it is definitely known that Mr. Balfour and Mr. Chamberlain have agreed spirit and intent of the constitution to disagree and that is believed Mr. of the United States; that each Senator | Chamberlain will withdraw from his adhesion to Mr. Balfour and organize a separate party on tariff reform. This, of the rights of a state; that any Sen- it is admitted by The Standard, The Morning Post, and other Unionist state; that for any Senator to vote newspapers, will be the only course otherwise than as his sense of duty open to Mr. Chamberlain, unless, indeed, Mr. Balfour decides to call a meeting of the arty and allowp its members to decide the question of lendership. Even then, the papers say, it is not believed that either Mr. Balfour or Mr. Chamberlain will recede, the former premier having told Mr. Chamberlain that he would not accept his tariff reform policy.

The whole situation forms the polityesterday that if Mr. Balfour would not agree to call a meeting of the party, former Secretary of State for Home Balfour is returned to Parliament by

the city of London. There is still a remote chance of Walter Hume Long, former President of the local government board, being Joseph M. Deuel, one of the stockasked to accept the leadership under day in securing the fixing of a date for a compromise; but well informed perbeing Wednesday the 16th instant at will refuse anything like a compromise did not write the words "O. K." and while Mr. Chamberlain insists on

standing for protection. It is even intimated to Mr. Balfour to stand for the seat for the city of London resigned in his favor by Al-Washington, February 5 .- Consider- ban G. H. Gibbs may be withdrawn unless he goes over to Mr. Chamberlain, but this is believed to be hardly like-

> The Liberals will decide today hood of Mr. Balfour having to fight

### NAMES SENT TO SENATE

Holton Named for District Attorney Dockery and Milligen for Marshals

Washington, February 5.-The President today sent the following nominations to the Senate:

Justice - District Attorney-Alfred E. Holton, Western district of North Carolina. Marshals-James H. Milliken, Western district of North Carolina Claudius

Dockery, Eastern district o. North McLaurin Will be Bound by Demo-Register of the Treasury-William T. Vernon, Kansas.

Confirmed by the Senate. Washington, February 5 .- The Senate today confirmed the following nom-

inations: Joseph B. Stewart, collector of cus-

# Served as Blinds

Bid Put in for the Savannah Dredging Company, in Which Greene and Gaynor Owned Stock-Foremen and Others Named Served Merely as Figby the Roads.

Savannah, February 5.-The trial of Greene and Gaynor in the Federal court today was taken up largely in presentation of oral testimony, though after the examination of W. F. Mc-Cauley, of Savannah, the evidence again reverted to documents, many of which were submitted.

supervision of former Captain O. M. Carter, such proposals, according to really been behind them. McCauley, however, was shown to have been inonly as bondsman, and that as a personal favor to John F. Gaynor, who had assured him protection against following data have been compiled: any possible loss, save in one instance, wherein he had signed a proposal upon the \$3,150,000 Savannah contract in have done the work.

the stock of the Savannah Dredging

Colonel John Tweedale, States Army, retired, and J. W. O. said it looked now as though debate | Sterley, chief clerk in the office of the would conclude at 3 o'clock Wednes- United States engineer at Savannah, were the other witnesses.

McCauley testified relative to cer tain proposals upon which he had appeared for Greene and Gaynor as of W. H. Walsh, a foreman for Greene Railroad Company. and Gaynor. McCauley did not know Walsh at all, but signed as a personal favor to Gaynor who assured him that he would incur no responsibility as in the event of such necessity.

nor and McCauley, appeared upon that road Company. also as guarantor.

these foremen and others were bu agureheads, the real bidders being Greene and Gaynor and that Carter only had this variety of bids submitted pany owns \$23,490,775. in order to delude the war department they were bona fide and that they came tal stock. Of this the Pennsylvania from different persons.

The district attorney read a letter from David B. Howell, of New York to Carter in which Howell stated he had received the specifications too late to arrange for securings but would contract went to Elie at \$1.45. Evidence was introduced to show that Howell was a responsible contractor Carter rejected his bid on the ground that he had previously failed in a contract Mr. Erwin introduced vouchers to show that Howell's contract had been satisfactorily carried out. The court adjourned until tomor-

### COLONEL MANN ON TRIAL

Charged With Perjury, Growing Out of the Recent Libel Trial of Hap-

New York, February 5 .- The examtnation of Colonel William D. Mann, editor of Town Topics, on a charge of perjury, was continued today. This tional trial of Norman Hapgood, editor of Collier's Weekly, on a charge of criminal libel, preferred by Justice holders of Town Topics. The perjury charged was based on Colonel Mann's the initials "W. D. M." which appeared on a letter written by Reginald Wara, and which was placed in evidence during the Hapgood trial. Evidence was introduced to show the nature of good trial was read to the effect that the initials were written by Mann.

William L. Daniels, secretary and treasurer of the Town Topics Publishing Company was called. District Attorney Hart offered in evidence a copy served on the witness. Daniels admitted that he had not produced a list and er sections of the country. the papers called for by the supoena. He said that he had no control of the free list of Town Topics and had made no effort to comply with the court's

After Daniels had admitted that Town Topics had a free list, Mr. Hart said that Daniels had rendered himself liable to punishment for contempt of court and that the district attorney under." intended making a motion to show cause why the witness should not be punished for contempt. Justice McAvoy then directed Dan-

iels to appear in court tomorrow.

cratic Caucus. Jacksonville, February 5.-United States Senator McLaurin was in the city today, returning to Washington. He gave out the statement that he would be bound by the action of the Senate Democratis caucus of Saturday. although absent. He said he would vote against the Santo Domingo treaty and expressed the belief that it would

be defeated.

## moment, which was taken to mean Bids Put in to Captain Carter Alleged Combination of Pennsyl- Countess de Castellane Enters vania and Other Roads

Resolution Was Adopted by the House and Sent to the President-Only Facts Known are Those Gathered From the Annual Reports Sent to the Inter-State Commerce Commission by the House.

ANTI-TRUST LAW

Washington, February 5 .- President Roosevelt today transmitted to the House the report submitted to him by the interstate commerce commission, in response to a resolution regarding Mr. McCauley's testimony related to the alleged combination of the Penproposals of contracts issued under the sylvania railroad company and certain other roads named therein, in the government's counsel, having been violation of the anti-trust law. The but blinds, Greene and Gaynor having report says that the only definite tions with her husband, and that affacts known to the commission are nocent of any collusion. He had acted contained in the annual reports of railroad companies, from which the

"The Pennsylvania Railroad Company has an authorized capital stock 1892. In this instance, he had signed of \$400,000,000, of which \$302,513,300 the bid personally, though it had been has been issued and is now outstandmade for the Savannah Dredging Com-pany. Mr. McCauley had expected to ing. This company appears to conmake no expenditure had the contract trol and is understood to control all nia system, so-called. The term It was brought out that Greene and Pennsylvania system as here used in-Gaynor each owned \$24,000 worth of cludes the lines of the Pennsylvania Railroad Company; the Pennsylvania United Company; the Philadelphia, Baltimore and the Northern Central Railway Company, but does not include the Baltimore and Ohio Railroad Company, the Norfolk and Western Railway guarantor. One of these was on behalf Company, or the Chesepeake and Ohio

The Pennsylvania Company, which controls all the lines of the Pennsyl- lane residence to a hotel in the center vania system west of Pittsburg and of Paris gave support to the belief that Greene and Gaynor would protect him Erie, has an authorized capital stock of \$80,000,000, of which \$40,000,000 has One proposal was for W. J. Wheeler, bepen issued. All this issued stock another foreman of Greene and Gay is owned by the Pennsylvania Rail-

The Philadelphia, Baltimore, and District Attorney Erwin said that Washington Railroad Company has issued \$23,493,550 capital stock. Of this the Pennsylvania Railroad Com-

The Northern Central Railway at Washington into the belief that Company has issued \$17,193,400 capi-Railroad Company owns \$9,401,950. The Baltimore and Ohio Railroad

Company has issued \$59,986,464 of pre- efforts of those interested in bringing ferred and \$124,272,060 of common about a settlement of the differences stock. The Pennsylvania Railroad between the countess and the count, send in his proposals informally and if Company and the other companies without an appeal to the courts have successful would arrange the bond. Which it controls own an aggregate His bid for facing was 67 cents but the of \$28,480,000 of Baltimore and Ohio preferred and \$42,900,000 of Baiti more and Ohio common.

> The Norfolk and Western Railway Company has an authorized capital of \$23,000,000 of preferred stock and \$60,000,000 of common stock all of which has been issued. Of this Pennsylvania Railroad Company and two other companies which it controls, owns in the aggregate \$11,000,000 of Norfolk and Western preferred and \$22,830,000 common.

The Chesapeake and Ohio Railroad Company, with an unlimited authorized capital stock has issued \$8,200,000 first preferred, \$8,000,000 second preferred and \$62,790,400 common stock, which is now outstanding. Pensylvania Railroad Company and two other companies which it controls own in charge grew out of the recent sensa- the aggregate \$15,630,000 of the common stock of the Chesapeake and Ohio Railroad Company. The report gives a list of the officers and directors of the roads concerned and con-

"From the general knowledge and information of the commission the statement is warranted that, since the acquisition by the Pennsylvania of a group of ambassadors and white-Railroad Company, and the compa- garbed Moors, and throngs of Spanish nies controlled by it, of the stock of the Baltimore and Ohio Railroad Company, the Norfolk and Western Railroad Company and Chasapeake Mann's testimony at that trial. Testi- and Ohio Railway Company, the pubmony of several witnesses at the Hap- lished rates of the several railroads named have been better maintained and in some cases advanced, and that there appears to be less competition in rates between these lines than was formerly the case; but this is also true of competitive rates generally in oth- sands cheered this and the band played

"As to whether the facts stated show or tend to show a violation of the act of Congress referred to in the resolution, the commission expresses no opinion, as it is charged with no duty in connection with that patched. Another bull killed five enactment and has no authority to horses, four of them dying in the determine a question arising there- arena; while the fifth, terribly gored,

S. A. L. Shops at Abbeville Burned. Charleston, S. C., February 5.—A special from Abbeville, S. C., says that the Seaboard Air Line railroad shops and round house were destroyed by fire Sunday morning with an estimated loss of \$25,000. The shops were built in 1892 and were actively engaged in repair work. All wookwork and small rarts of six engines in the round house were burned and their withdrawal from use until repaired is a great inconvenience to the railroad company. The losses are covered by insurance and it is understood that the buildings will be replaced at once.

# Plea for Divorce

DOCUMENTS PUT IN EVIDENCE THE FACTS SENT TO THE HOUSE EFFORTS TO SETTLE FAILED

The Countess Absolutely Declined to Resume Her Relations With Her Husband-No Decision Reached as to the Final Custody of the Children.

Paris, February 5.-Countess Boni De Castellane (formerly Anna Gould) entered a plea for divorce today. Representatives of the countess and the Ditte, of the court of first instance, who in conformity with the French law, endeavored to arrange a conciliation before allowing a definite suit to proceed. It is said on unquestionable authority that Judge Ditte's efforts were not successful, the countess absolutely declining to resume her relater repeated vain attempts by Count De Castellane's advisers to arrange a settlement the representatives of the count and countess left the court and that the suit will proceed.

Another judicial effort at reconciliation will almost certainly be made before the suit comes to trial in the ordinary course.

No decision has been reached relative to the eventual custody of the children of the count and countess, but

ent naturally remain in the care of their mother. Friends of the Count and Countess De Castellane express little hope that any adjustment of their differences will be brought about, but as divorce proceeding under the French law are and Washington Railroad Company, very lengthy, new developments may occur before the case comes up for

trial. A decree cannot be pronounc-

they being under age, will for the pres-

ed under from three to six months. Rumors have been current for a long time that the countess had decided that any further continuation of her relations with her husband was impossible, and her removal from the Castelshe had finally decided to apply for a divorce. Sensational reports have been circulated with reference to the count's conduct and the name of a prominent society leader of Paris, a woman of very high standing, has been mentioned in connection with the affair. But the greatest reticence has been maintained by all the parties concerned relative to the progress of the negotiations looking to a conciliation, and even this morning a favorable result was expected, especially as the countess returned to her residence. It now appears that the been unavailing. The count is said

### to be in the southeast of France. DIPLOMATS AT BULL FIGHT

Gory Event in Their Honor-With American and British Delegates Not Attending, a Brilliant but Bloody Exhibition of the Spanish National Sport is Given at Algeciras in Compliment to Moroccan Conference.

Algeciras, February 4.-The brillian though bloody spectacle of a bull fight in honor of the conference on Moroccan reforms was the event of today. Crowds came from all parts of Andalusia to the vast stone ampi-theatre where the bull ring is, and more than 6,000 persons saw the fight. A box gaily decorated with the Spanish colors accommodated the ambassadors and officials of many countries. Most of the delegation to the conference were represented and many of the envoys were accompanied by their wives and daughters. The Duke of Almodovar, the Spanish Foreign Minister, who is president of the conference, accompanied by the Duchess, was the center women in picturesque costumes lent a touch of quaintness to the animated scenes. The American and British del-

egates did not attend. Three celebrated bull fighters fur nished the sport, and the bulls were from the famous herd of Don Moreno Sante Maria, of Sevilie. The first animal brought into the right, a huge, black Andalusian beast, killed two horses before the matador, Lagartijo, skillfully drove his sword to the hilt into the animal, which fell dead. Thoua Spanish fandango.

The second bull was ceremoniously by Matador Morenita, which is a custom of the country. It proved to be an ugly fighter and gored the blind horses of a picador. This bull also was disstaggered outside and died.

The picadors were often unhorsed, but none of them was seriously hurt. The skill of the matadors was shown as they pirquetted before the bellowing animals, which were stung to madness by the darts with their gay streamers stuck into them.

The foreigners present witnessed the scene with mingled admiration at the audacity of the matadors and horror at its cruelty.

Berlin, February 5 .- Emperor William's gift to Miss Alice Roosevelt on the occasion of her wedding, will be a beautiful, artistically wrought brace-

# Former Chief Eugineer Wallace A Witness

# IN THE CANAL HEARING

## count appeared before Judge Henry Mr. Cromwell Had Much to do With Isthmus Matters

Mr. Wallace Came From the Isthmus to Have a Private Talk With Secretary Taft Concerning Cromwell's Connection With Affairs-This Was Denied Him-He Made a Protest Against Red Tape Methods and a Multiplicity of Masters-Reasons for His Withdrawal From the Task.

Washington, February 5 .- John F. Wallace, former chief engineer of the Isthmian Canal Commission, today testified before the Senate committee on inter-oceanic canals. He said he made a protest particularly against red tape methods, and a multiplicity, of masters, and then read a statement referring to Secretary Taft's attack on him saying:

"The only basis pretended for this attack upon me was a difference of opinion between Secretary Taft and Mr. Cromwell on the one side and myself on the other as to my right to decide for myself when I thought the welfare of the enterprise and my own welfare justified me in resigning my position.

"My appointment named no length of time. I was to hold it, and I was liable to be dismissed at any moment by tclegraph. Such being the case. I believed them and believe now, it was my undoubted personal right-and I believe every reputable engineer must be of the same opinion—to resign it whenever I thought it necessary to do so, provided, of course, that I took abundant care that the work in my charge would suffer no harm by my

Mr. Wallace said he had taken every precaution to that end, and came home to have a private talk with Secretary Taft. This was denied him.

In regard to the type of canal he asked to be excused f rom examination until he had had an opportunity to examine the majority and minority reports of the board of consulting engi-

One of the reasons for his withdrawal, he said, had been that he had made many mistakes in his attitude toward the canal and that Secretary Taft and Mr. Cromwell had made a mistake in sizing up his adaptabilities. He thought that he had been placed in a secondary position, so far as exercising executive judgment was concerned, after Mr. Shonts had been appointed as a head of the commission. He realized, he said, that his position was such that friction was bound to occur between himself and Mr. Shonts and himself and Cromwell. The inquiry was pursued by Senator Morgan to determine "what Mr. Cromwell had to do with it." Mr. Wallace then read from a public letter issued by Senator Taft. saying that Mr. Cromwell, through des ignation of the President, had been acting in an advisory capacity on all matters relating to canal affairs.

Mr. Wallace said he felt Cromwell had a great deal of influence with the secretary. He wanted to discuss with Mr. Taft "Cromwell's connection with affairs. He has done several things with the railroad property which I questioned, and seemed to be the controlling force in the management of the property. I considered he was doing business along dangerous lines." "If I catch your meaning a part of

your business with the secretary was to shake Cromwell off your shoulders." suggested Senator Morgan. "You have caught my meaning." was the reply. Mr. Wallace went on

to explain that he thought Mr. Cromwell to be mixed up in so many local enterprises on the isthmus that his views might be perverted and if adopted by the commission scandal might be the result. One of the acts which Mr. Wallace complained was that in which he asserted that the Panama railroad the year before it was taken over by this government had declared dividends of \$100,000 more than it had earned and had then issued bonds for the rebuilding and improving the property. This, declared Mr. Wallace, meant that the amount of money had been taken out of the pocket of Uncle Sam. He explained that Mr. Cromwell had been counsel for the road and said the action bordered upon "high finance." Adjournment was then taken until tomorrow.

### SHOTTING FATAL TO THREE

Ed Pickney Killed by His Brother and His Wife Mortally Wounded. The Criminal Shot to Death by the Sheriff. (Special to The Messenger.)

Florence, S. C., February 5 .- Jeff. Pinckney shot and killed Ed. Pinckney, his brother, and mortally wounded Ed. Pinckney's wife near Mars Bluff last night, and then made his escape. Sheriff Burch and Coroner Cooper went to the scene of the killing today, and in attempting to arrest Emperor William's Gift to Miss Roose-Jeff. Pinckney, the sheriff had to kill him, as he was about to shoot to death the sheriff's deputy, a colored man. On account of the telephone lines being out of order the story of the killing cannot be obtained more than the above.