

# The Wilmington Messenger.

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FIVE CENTS

## COURT FEATURES OF RATE BILL.

### Chief Difference of Opinion in the Senate Committee

#### MANY COMPROMISES RUMORED

The Senate Committee Will Meet Daily Until February 16th, When a Vote Will be Taken—Republican Members of Committee Expect to Offer an Amendment Monday, in Terms Similar to Provisions of the Esch-Townsend Bill as it Passed the House.

Washington, February 10.—With all sorts of compromise rumors the Senate committee on interstate commerce today resumed consideration of railroad rate bills under the agreement to meet daily until February 16, when a vote will be taken.

The chief difference of opinion concerns the court features and involves the right of the railroads to have the rates fixed by the commission reviewed by the courts before they become effective.

Certain opponents of the House bill, who have been contending for a specific recognition of that right have suggested another and conceded a more moderate amendment. This provides that the courts may determine the lawfulness of a rate fixed by the commission, which would amount to a test proceeding and have a bearing on all subsequent orders of the commission.

How acceptable this proposed amendment will be to the majority of the opponents of the bill has not been ascertained, but Aldrich is said to favor it. It is a compromise only in that it provides for the determination of the constitutionality of the bill before its provisions are enforced. It is believed generally that if adopted it would result in the greatest legal contest in the history of the courts.

Senator Tillman offered an amendment to exempt Pullman cars and express companies. He said that in view of the uncertainty as to whether they would be included in the definition of transportation lines he would offer the amendment to make certain that they would be. No vote was taken on the amendment today.

Republican members of the committee, with the exception of Senators Doolittle and Clapp, who are committed to the House bill, today held an extended conference following the meeting of the committee. They endeavored to draft an amendment providing for the review of orders of the interstate commerce commission which would be likely to receive the favorable consideration of opponents of a feature of that character. When the committee meets on Monday these members expect to offer an amendment in terms similar to the provisions of the Esch-Townsend bill as it passed the House.

#### RESPIRE UNTIL MARCH 1ST

### Governor Glenn Takes Action in Case of Jesse McChesler.

(Special to The Messenger.)

Raleigh, N. C., Feb. 10.—Governor Glenn this afternoon returned from his visit to western North Carolina. The first official act was to grant a respite to Jessie R. McChesler, of Bertie county, under sentence to be hanged next Tuesday, after a trial for the murder of his wife. The respite allows until March first, for the reason that the Governor is acting according to the representations of certain reputable physicians who were called into the case.

### City Lock-Up Burned and Three Inmates Consumed.

Eastman, Ga., Feb. 10.—Last night the city barracks caught fire, the building, together with its three inmates, who were placed there for being drunk and disorderly, being consumed. The inmates were D. A. Cooper, Elbert Mullis and John B. Hart, all white men. Cooper was about fifty-five years old and left a large family. Mullis was about fifty years old and leaves a large family also. Hart was a young man and left a wife and child. The origin of the fire is unknown, but it is supposed to have caught from the inside by a match being dropped in the bedding.

### Two Young Men Shot and Instantly Killed.

Rochelle, Ga., Feb. 10.—At the home of Jesse Hearn, north of Rochelle, last night, Joe Watts shot and instantly killed D. S. McDuffie, Jr., and Orrin B. McDuffie, sons of D. S. McDuffie, Sr., aged 19 and 16. They were at the gate leaving for home from a party. There were a few words between Watts and the elder McDuffie. Then Watts shot both young men through the heart killing them instantly. Watts fled and is now being pursued by the sheriff.

### Scale Committee Has Agreed on Demands.

Wilkesbarre, Pa., February 10.—The members of anthracite miners scale committee who have been in session here since Thursday last, completed their labors tonight, and will leave for their homes tomorrow. The demands as formulated will not be made public until the joint conference is held in New York, next Thursday.

## INDOOR ATHLETIC TRACK MEET

Interesting Event, the First of Its Kind in the South, Takes Place in Richmond—All the Contests Spirited and Sportsmanlike.

Richmond, Va., February 10.—The first indoor athletic track meet of the south, held here tonight, under the auspices of the American Athletic Union and the Inter-Collegiate Association, was a brilliant success, and will, without doubt, lead to the establishment of a yearly event of the kind in this city. The spectators tonight numbered about three thousand, and included Governor Swanson and many other men prominent in state and city, with a large proportion of ladies, elegantly attired. The contests were spirited and thoroughly sportsmanlike, and were carried off by the University of Virginia, George Washington University, of Washington city, the Columbia Athletic Club, of Washington Georgetown University, and Woodbury Forest High School. The University of Virginia defeated George Washington, and Georgetown University defeated the Virginia Polytechnic Institute in the relay racing, which was the most attractive feature on the program.

Richmond College won the relay race from William and Mary and Woodbury Forest took everything in its class, carrying off the inter-collegiate championship of Virginia and the District of Columbia. The Columbia Athletic Club won in relay racing from the Norfolk team, and also captured the one mile run. The University of Virginia won the running high jump, the Washington School for boys defeated the Richmond Schools in relay and the Richmond High School won the local racing championship.

The pole vaulting contest was won by J. A. Sterrett, of George Washington, champion of the south, his figure being ten feet, three inches. The 880 yard race went to P. Herring, of the Columbia Athletic Club, the time being 2:12 3-5. The shot put was won by Gorman, of Georgetown, his distance being 37 feet 9 inches.

The program went off without a hitch and there was only one mishap during the evening. A. Taylor, of the University of Virginia, broke his ankle in pole vaulting.

## THE ALGERIRAS CONFERENCE

Negotiations Concerning Morocco May Break Up Without Any Agreement Being Reached.

Bein, February 10.—The negotiations at Algieras have reached a decisive turn, and the dissolution of the Moroccan conference without an agreement on the principal subjects of discussion appears to be the probable result. The positions of France and Germany have now been clearly disclosed. Each country, supported by several other powers, holds tenaciously to its own principle of settlement, namely, France for special recognition in Morocco and Germany for a strict application of the doctrine of equal treatment of all countries in the future of Morocco. Both the Paris and Berlin governments saw that a controlling influence could be exercised in Morocco either through the command of the semi-military police or by holding the Moroccan purse. France has indicated that she might give up the police administration provided she were allowed a paramount position in the state bank organization, which will represent Morocco's foreign debts, largely held in France, and which will control the sultan's future borrowing.

Herr Von Radowicz and Count Von Tattenbach, the German delegates to the conference, said Germany could not consent to France having control of the bank as this would simply be another way of turning over the country to France. Then Mm. Revoll and Regnault, the French envoys, two days ago, dropped the banks and raised that of the police, upon which Germany also insisted upon the equal partition, in some form, of all the powers giving a modified acceptance.

## POLICE PROTECT NEGRO

Crowd in New York Threatened to Lynch a Murderer.

New York, February 10.—A thousand men and boys today jeered at a squad of policemen, who, with drawn revolvers, protected Clarence Brooks, a negro, from the crowd which threatened to lynch him. The negro had been pursued through one of the city's busiest centers, after a sensational shooting affair in which William Mitchell, another negro was killed. Both the shooting and the chase took place on Seventh avenue, near Thirty-sixth street, at an hour when the streets were thronged. Brooks when rescued by a mounted policeman from pursuers, and was placed in an express wagon and other policemen surrounded the vehicle. It was then hurried to the nearest police station.

## The Dreadnaught Launched Without Ceremony.

Portsmouth, England, Feb. 10.—The monster battleship Dreadnaught, which, when finished, will have cost \$7,500,000, was launched here today by King Edward. The ceremony was the most simple imaginable, the King having vetoed all decorations and pageantry on account of the death of his father-in-law, King Christian. There was a moment of suspense, and the King touched the electric button removing the last block, as the huge ship hesitated and appeared reluctant to take the water. But, ultimately, she glided down the ways in safety.

## GILLETTE STILL ON THE STAND

### Gives Interesting Testimony in Greene-Gaynor Trial

#### EVIDENCE PROVES DAMAGING

Mattresses Sunk in Cumberland Sound No More Than Bundles of Brush. Government Paid for Eight Mattresses, Where Only One Was Sunk. Advertisements, Specifications, etc., Part of the Scheme.

Savannah, Ga., February 10.—Major Cassius E. Gillette, U. S. A., gave interesting testimony today in the trial of Greene and Gaynor.

Major Gillette said on the stand that the mattresses sunk by the defendants in Cumberland Sound were no more than bundles of brush, that they were not worth more than a tenth of the price that the government paid for them; that instead of supporting the stones that were thrown on them, the stones went right on through them, and that he was unable to get a copy of the specifications at the scene of the work.

"I saw one of the mattresses sunk," said the witness. "A great quantity of dry leaves floated away. It struck me that a very large percentage of the mattress was floating away."

Major Gillette said that the eight courses of mattresses might have made one good course.

"Do you mean to say, Major, that the government paid for eight mattresses where there was only one?" asked the court.

"That was the system of payment. The government never paid Greene and Gaynor for those mattresses at all."

Major Gillette said that the government had been paying at the rate of \$3,600 for something it could have secured in the open market for \$400. That, he said, was what the work done by Greene and Gaynor amounted to. All the advertisements, specifications, contracts, etc., were but part of the scheme, he said. They were intended to confuse the main issue, to veil the real purpose, which was to make the government pay nine prices but by shutting out competition, and leaving no alternative to acceptance of Greene and Gaynor, the contractors. "Without any authority, Carter purchased a brush heap and paid for a properly constructed mattress of eight courses," said Major Gillette.

E. R. Comant, of Brunswick, Ga., inspector under Carter, said that in contracts for Cumberland Sound, log mattresses were not put in, but brush mattresses, much cheaper than the logs, were used.

A letter from Carter to Colonel Craighill, was read. In this Carter stated that he disapproved the use of logs and brush near Fernandina, Florida.

Major Gillette explained that the teredo is extremely plentiful in Fernandina waters, and exceedingly destructive to wood. The government's contention is that despite this, the lumber edge and view of Carter, the latter recommended logs and brush for use in the jetty work.

## 1,000 PEOPLE MADE HOMELESS

Town of Littleton Almost Devastated by the Flames—Much Suffering on Account of the Cold.

Wheeling, W. Va., February 10.—Reports received here today from Littleton, W. Va., which was almost devastated yesterday by fire, say there is much suffering among the families whose homes were destroyed on account of the cold weather. Scores of families are huddled together over the embers of their homes and deaths from exhaustion are likely to result. The relief fund started yesterday, has reached large proportions, and all the destitute will soon be taken care of.

The fire was under complete control at daylight. Four fifths of the buildings in the town were destroyed and over 1,000 people have been rendered homeless. But four business structures are left standing. One saloon escaped the flames, and when the fire was finally under control a mob rushed to this place and almost wrecked the building in a scramble for liquor. Many fights followed and Mayor Bradley finally compelled the owner to close the doors.

The cause of the fire has not been definitely ascertained. The loss is estimated at \$300,000, with but fifteen percent insurance.

## Eleven Midshipmen Deficient in Studies.

Annapolis, Md., February 10.—It has been officially announced that eleven midshipmen of the first class will not receive their diplomas on Monday on account of deficiencies in certain branches but will be compelled to go to sea and will be re-examined.

## Special Issue of Stamps for Jamestown Exposition.

Norfolk, Va., February 10.—Postmaster General Cortelyou has notified the board of governors of the Jamestown Exposition Company that the postoffice department will publish a special issue of souvenir stamps commemorative of the Jamestown Exposition. They will be of the denomination of one and two cents and will be of appropriate design.

## BOND ISSUE OF THE SOUTHERN

### Stockholders to be Asked to Authorize \$200,000,000 Issue

#### PURPOSES OF IMPROVEMENTS

\$15,000,000 Will be Spent Immediately. The Balance of \$185,000,000 Will be Reserved for Other Purposes—\$99,834,000 Will be Used to Provide for Future Acquisitions and Betterments.

New York, February 10.—Announcement was made today that the Southern Railway Company has decided to ask the stockholders to authorize an issue of \$200,000,000 development and general mortgage purpose bonds. Of this amount, \$15,000,000 will be issued immediately for the following purposes: \$4,962,774 to refund payments for equipment heretofore made, and charged to capital; \$3,500,000 to refund investments in securities of advances to subordinate companies heretofore made, and for the acquisition of property not heretofore funded, and \$6,536,226 for double track, revision of grades, new yards, shops, etc.

The balance of \$185,000,000 will be reserved for the following purposes: \$31,158,000 to retire divisional prior lien bonds on properties acquired for which no provision is made in the consolidated mortgage; \$16,000,000 to retire, not later than April 1, 1909, collateral trust five, \$18,008,000 to retire, as they mature in the next fifteen years, equipment capital obligations, \$10,000,000 to acquire capital stocks of certain leased lines; \$10,000,000 to pay not later than July 1, 1908, for the eastern division of the Tennessee Central and immediate improvements.

After provisions for the foregoing obligations are made there will be left \$99,834,000, which will be used to provide for future acquisitions and betterments.

President Samuel Spencer of the Southern Railway Company, in a communication to the voting trustees of the capital stock of the company relative to the proposed bond issue, says that the existing financial condition of the company is such as to justify the creation of the new issue of \$200,000,000 of the immediate issue of \$15,000,000 of the bonds as proposed without disturbance of the full dividend now paid on the preferred stock.

## ANOTHER VICTIM OF SHOOTING

Policeman Kearny Dies of Wounds. Arrests Made in Connection With the Affray.

Savannah, Ga., February 10.—Patrick Kearny, city policeman, who was one of those wounded in the political shooting affray in front of the city hall yesterday, died this afternoon. James McBride, harbor master, Tim McBride and James Lane, city employees, were arrested again today, charged with the murder of "Babe" Dyer. A hearing was had before Judge Cann, in the Superior court, beginning at 6 o'clock this afternoon and lasting until after midnight, when James McBride and James Lane were admitted to bail in the sum of \$2,500 each. Tim McBride was held without bail. "Sap" Dyer, will recover, as will Frank Nagle, the bystander who received a bullet in the eye.

## THE LITTLEFIELD BILL

Measure for Abolishment of Compulsory Pilotage Will be Favorably Reported.

Washington, February 10.—By a vote of eight to five the committee on merchant marine and fisheries agreed today to make a favorable report on the Littlefield bill, which does away with compulsory pilotage on sailing vessels engaged in the coastwise trade. The votes in favor of the bill were: Representative Minor (Wis.); Greene (N. Y.); Fordney (Mich.); Wacker (Ind.); Littlefield (Maine); Plack (N. Y.); McDermott (N. J.); Humphrey (Wash.).

The negative votes were: Representatives Spight (Miss.); Sheryler (Ky.); Patterson (N. C.); Goulden (N. Y.); Maynard (Va.).

The pairs were: Grosvenor (Ohio) and Birdsall (Iowa); Watson (Ind.) and Wilson (Ill.).

## The Pennsylvania Road Not Afraid of an Investigation.

Philadelphia, Pa., February 10.—President A. J. Cassatt, of the Pennsylvania railroad, upon being asked today what the attitude of his company was towards the investigation proposed by Congress in regard to the ownership by the Pennsylvania railroad of the stocks of other companies, said:

"The Pennsylvania Railroad Company has nothing to conceal and will welcome an opportunity to have the facts brought before the public."

## Kills One, Shoots Two Others and Then Suicide.

Detroit, February 10.—John Witte, aged 28, tonight shot and killed himself, after killing his four year old child, shooting his father-in-law, August Whiting, through the stomach and shooting his mother-in-law, Mrs. Whiting, in the shoulder. Witte who had been separated from his wife, went to the Whiting home, supposedly with the intention of killing his wife and child. But Mrs. Witte was absent at work. Mr. Whiting is in a critical condition.

## CHOUKIN'S WOUNDS NOT FATAL

Russian Vice Admiral Shot by a Woman, Who Was Instantly Killed by an Orderly—Assailant Believed to be an Emissary of the St. Petersburg Group of Terrorists.

St. Petersburg, February 10.—The admiralty has received a report from the surgeon in charge of Vice Admiral Choukin, who was shot by a woman in his office in Sebastopol yesterday, to the effect that his wounds are not dangerous. His assailant who was shot and killed by an orderly who rushed to the admiral's assistance, is believed to have been an emissary of the St. Petersburg group of terrorists. The woman has not been identified. She was well dressed and quiet in her manner. She appeared at the official residence of Admiral Choukin and sent in her card, saying she was a daughter of a rear admiral who was an old acquaintance of Choukin at St. Petersburg and requested an interview. Upon entering the admiral's office she drew a rapid-fire pistol, and fired four shots at Choukin, with deliberate aim, each bullet reaching the mark. She then turned to flee but was killed by the orderly.

The news of the attempt on Choukin's life created great excitement among the sailors at Sebastopol, a large proportion of whom are sullen and continually on the verge of mutiny. The revolutionists at Sebastopol attempted to organize a demonstration but were unsuccessful.

The crime beyond doubt was political. Choukin had long been a marked man on account of his activity as commander of the Black Sea fleet in repressing disorders. When the sentences imposed on the sailors for participation in the Odessa mutiny were before him for review formal notice was served on Choukin to the effect that if he approved the death sentences he would share the same fate. The hands of the terrorists are now raised against all classes of officials, military and civil, which are called upon to curb the revolutionary movement. Various manifestations have taken place in the last three months and a number of officials have been killed on account of their prominence in subduing the agrarian uprising.

## TEACH ALL IN THE SAME ROOM

Boards of Education, in Cities of the Second Class, Have No Right to Separate the Races.

Topeka, Kan., February 10.—The state supreme court today decided that in the absence of a state statute granting such power, boards of education in cities of the second class have no right to separate negro children from whites in the public schools. The case that brought forth the decision came from Coffeyville, where "Bud" Cartwright, a negro, demanded that his daughter be admitted to the same school room with white children, although a separate room was provided for the negroes.

Today's decision does not affect that recently rendered by the same court upholding the act passed by the last legislature providing for the separation of white and negro children in public schools in cities of the first class.

## Woman's National Suffrage Association

Baltimore, Md., Feb. 10.—At today's session of the Woman's National Suffrage Association, an amendment to the constitution permitting one or more delegates from any state to cast the votes of all the delegates elected from that state, was lost after a lively discussion in which Mrs. Carrie Chapman Catt, led the fight in favor of the proposed amendment, strenuously advocating what she termed the "one-woman-one-vote" principle. Mrs. Alice Stone Blackwell and Rev. Anna Howard Shaw opposed the amendment.

## Runaway Train Caused Death of Two.

Bristol, Tenn., February 10.—An engine and four cars ran away on the logging road of the Tug River Lumber Company in Scott county yesterday evening, killing Assistant Superintendent C. M. Ellis and W. H. Buckles, the latter a laborer. John Eden, the engineer, was seriously injured, his right leg being broken. Ellis and Buckles jumped from the flying train and were hurled to instant death against the rocks of the mountain.

## Judge McClellan Dead.

New Orleans, Feb. 10.—Judge Thomas N. McClellan, chief justice of the supreme court of Alabama, died in a private car today as the Louisville and Nashville train from Montgomery was entering New Orleans. Death was caused by heart failure. The body will be sent to Athens, Ala., for interment.

## For Two New Revenue Cutters.

Washington, February 10.—The House committee on interstate and foreign commerce today agreed to make a favorable report on applications for a revenue cutter at Savannah to cost \$200,000 and one at New Orleans, to cost \$50,000.

## Fatal Outcome of Long-Standing Feud.

Huntsville, Ala., Feb. 10.—Ike Williamson was instantly killed and Jim Williamson fatally shot by Jim Bales this afternoon a few miles north of Fayetteville, Tenn. The shooting occurred on the highway and was the outcome of a feud of long standing. All the parties are prominently connected.

## General Hearing on Cotton Statistics.

Washington, February 10.—The house committee on agriculture has arranged a general hearing on cotton statistics beginning Thursday, February 15.—The department of agriculture, census bureau, cotton manufacturers planters and others interested in the cotton industry will be given an opportunity to be heard.

## TO GAIN 10 YARDS 3 DOWNS

### Principal Football Reform Tentatively Agreed Upon

#### WILL MAKE GAME MORE OPEN

Meeting of the National Intercollegiate Football Rules Committee—Adjournment Taken Until March 3rd. Other Matters of Interest Agreed on. Nothing Done in Regard to the Question of a Field Laboratory.

New York, February 10.—Ten yards to be gained in three downs was the principal football reform tentatively agreed upon at a meeting of the National Intercollegiate Football Rules Committee in this city today. This rule, if finally adopted, the football experts believe will do more than anything else toward opening the game. The committee adjourned to meet again March 3rd, in this city.

In addition to agreeing upon ten yard rule, which exactly doubles the distance to be gained in three downs under the playing rules of the past several years, the committee agreed upon the following:

That every player on the kicking side shall be on side when the kicked ball touches the ground.

That the question of affording proper protection for the men catching the ball be taken up and carefully defined at the next meeting.

That one forward pass shall be allowed on a play, provided the ball does not touch the ground before being touched by a player of either side.

Nothing was done with regard to the question of a field laboratory, but Paul Dashiell, on behalf of Annapolis, offered the naval academy field and its facilities for use by the committee, in the matter.

## DOLAN STILL IN CONTROL

After Reading of Tellers Report Declares Himself President.

Pittsburg, Pa., February 10.—After six days of turmoil and strife the delegates to the "Miners convention of Pittsburg district secured a breathing spell this afternoon by adjourning until next Wednesday. Before the close, however, President Dolan was successful in having the election tellers report read and despite appeals from his decision declared himself, Uriah Bellingham and William Dods, elected respectively president, vice president and secretary-treasurer for the coming year.

Confusion prevailed during almost the entire session. Following adjournment 102 delegates held a caucus and determined on a legal fight to unseat Dolan and Bellingham.

## CAUGHT AFTER LONG CHASE

Two Burglars Captured After a Run of Fifteen Miles, Many Persons Being in the Pursuing Party.

Exeter, N. H., February 10.—Two burglars who robbed a shoe factory in Dover of \$20 at midnight, and who murdered an Italian laborer in the smoking car of the "Sunrise" express train bound from St. John, N. B., for Bovin, at Rockingham Junction, on the Boston and Maine railroad early in the morning, were captured this afternoon after an exciting chase of fifteen miles through Rockingham county, in which deputy sheriffs, police and citizens participated. The officers and one of the burglars exchanged shots while the man hunt was in progress, but no person was injured. The robbers escaped from the train hands at Rockingham Junction, after they shot and killed Giuseppe Glampa, a passenger who endeavored to leave the smoking car while the railroad men were attempting to detain the burglars.

## \$250,000 Fire in Cincinnati.

Cincinnati, O., Feb. 10.—Fire tonight destroyed most of the extensive plant of the L. Schreiber and Sons' Company, manufacturers of structural iron, causing a loss of \$250,000 covered by insurance. There is a suspicion that the fire was of incendiary origin. The firm recently had trouble with its employees.

## Twelve Bodies Still in the Mine.

Hinton, W. Va., February 10.—The after damp continues to hamper the efforts of rescuers in the Parrall mines, where thirty or more men were killed or entombed by an explosion of gas on Thursday. The rescuing party today encountered a slate fall, and were unable to reach the 12 bodies remaining in the mine.

## Representative Longworth is Better

Washington, February 10.—Representative Nicholas Longworth, who is suffering from an attack of tonsillitis, was reported as much better today. It will be necessary however, it was stated at his home, for him to remain quiet for several days.

## Serious Fire in Cullman.

Cullman Ala., February 10.—The New York Store, belonging to the Mountain City Mercantile Company, was completely destroyed by fire this morning. Loss on building \$30,000, with \$9,000 insurance, and on stock \$60,000 with \$15,000 insurance.