

The Wilmington Messenger.

VOL. XIX. NO. 63.

WILMINGTON, N. C., FRIDAY, MARCH 16, 1906.

FIVE CENTS

REPORT BY TILLMAN

Opinion of the Senator on Rate Question

BILL MUST BE AMENDED

Statement of the Differences that Prevented Unanimous Report

Tillman Insists That the Bill is a Non-Partisan Measure and That a Cyclone of Passionate Resentment Would Follow the Failure of Congress to Meet the Demand for Rate Legislation—He Predicts That the Issue Created Will be Paramount in the Next Presidential Election—A Word of Caution Given to the Friends of the Proposed Legislation.

Washington, March 15.—The senate today continued consideration of the railroad rate question by listening to the reading of a report on the house bill by Mr. Tillman and to a speech on that measure by Mr. Nelson.

Mr. Tillman's report was read at the request of Mr. Aldrich who said that he was curious to hear the opinion of the South Carolina senator.

Brief attention was given to the message of the president transmitting the letter of the secretary of war relative to the recent Moro battle. Mr. Bacon spoke of the killing of the Moros as "slaughter," and Mr. Lodge deprecated criticism until the facts should be known.

The house resolution giving the interstate commerce commission authority to administer oaths in connection with its investigation of charges of discrimination made against railroads was adopted without resorting to the formality of requiring its reference to committee. Mr. Stone's resolution directing an inquiry into the postoffice department ruling on the admission of college publications to the mails as second class matter also was adopted.

A large number of private pension bills and also some other semi-private bills were passed.

The senate adjourned until Monday. The report of Mr. Tillman embodied the first clear and concise statement of the differences concerning court review features and other proposed amendments that had made a unanimous report from the committee impossible.

Without hesitancy the senator declared it to be his belief that the bill should be amended, but that amendments should not be of a character to impair or prevent the accomplishment of the objects of the legislation which are set forth best, he says, in the president's message to congress. He emphasized the need of regarding the measure as non-partisan, but predicted that the issue created will be paramount in the next presidential election.

Mr. Tillman prefaced his report by speaking of the peculiar circumstances ruling the committee's actions on the bill, which made it an embarrassing task to submit views that would be concurred in by the committee as a whole.

"Instead of being amended in committee, as is usual," the report, he said, "so as to command as a whole, the endorsement and support of a majority of its members, the bill was brought into the senate in a form not entirely satisfactory to more than two members."

"This lack of harmony among the supporters of the bill—it would be speaking with more accuracy to say the supporters of the policy involved in the bill—brings about the anomalous situation in which a member of the minority party in congress is put in charge in the senate of proposed legislation which is generally regarded throughout the country as the cherished scheme of the president, with whose general policy and principles that member is not in accord. At the same time the bill is designed to carry into effect his own long cherished convictions and the thrice-reiterated demands of the party to which he belongs."

Emphasizing the claim that this condition is without precedent in legislative history, Mr. Tillman says it brings into prominence the fact that the proposed legislation is non-partisan and is so recognized as a result of the support given it by the minority in the house and the few opposing votes—only seven—in that entire body.

"There would follow a cyclone of passionate resentment," said Mr. Tillman in predicting what would be the result of failure on the part of congress to meet the widespread demand for railroad rate legislation. He declared that "Woe will be the harvest" of any member of the senate or house whose work in formulating a bill to

regulate railroads, lacks earnestness or honesty of purpose, and who shall seek to belittle the question or kill the bill by subterfuge and deception. The constitution gives to congress the power to regulate the railroads, he contended, and there are many wrongs to right.

The bill as it came from the house, Mr. Tillman characterized as loosely worded and capable of different interpretations.

Mr. Tillman pointed out that it is generally supposed that the pending measure embodies the "well digested views of the executive and those of his party whose advice he consents to take." After enumerating the essential changes from the existing laws regulating interstate commerce, he stated that the most important is found in section 15, in which power is sought to be vested in the inter-state commerce commission "after full hearing upon a complaint made to determine and prescribe what will in its judgment be the just and reasonable and fairly remunerative rate." "It is to be thereafter observed in such case as the maximum to be charged," and to make an order that the same shall go into effect and remain in force for three years, which order shall go into effect thirty days after notice to the carrier, unless the same shall be suspended or modified, or set aside by the commission or be suspended or set aside by a court of competent authority."

Concerning this section Mr. Tillman said:

"Around the first provision the most earnest and exciting contention has arisen and there is great difference of opinion as to the scope of this clause and the executive powers of the commission under it. On the one hand, it is claimed almost positively that congress can not delegate its power of the commission and thus authorize to fix a rate, while on the other hand it is asserted with equal earnestness and force that this power is indisputable. Whatever may be the results of this discussion in the senate, if the bill becomes a law, the final determination of the question at issue must be made by the supreme court." There is, he said, even greater solicitude upon the question of judicial review.

Mr. Tillman added that at the same time the cries of the people are demanding relief for producers and shippers. He declared that it is the duty of congress to hold an even balance between these conflicting and contending interests.

Mr. Tillman inclined to the view and he had not the slightest doubt that it is possible to properly amend the bill so as to prohibit the circuit courts from interfering with the orders of the inter-state commerce commission by any interlocutory order.

The senate must determine by its vote what shall be its attitude upon the questions of court review and interlocutory suspensions.

"The whole question at issue as to giving relief to the producing interests of the country revolves around this feature of the bill. If any decision of the supreme court shall declare that congress is powerless to grant speedy relief through a commission, it needs no prophet to tell that an outburst of surprise and indignation will sweep over the country."

Summing up the situation, he said: "It is impossible to deny that this great accumulation of wealth in the hands of the few is such a menace to liberty that the honest patriot stands appalled by an outlook."

After commenting at length upon what he declared to be the existing system of juggling with railroad properties, "for the robbery of the masses," Mr. Tillman said:

"There is a dangerous provision in this bill, which, in my judgment, ought to be stricken out, and that is in section 15, where the inter-state commerce commission is told to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate, etc. The last words are too elastic and ambiguous, and can be construed to mean too much that it would be harmful and dangerous for congress to enact into a law. Fairly remunerative rate on what the actual value or fictitious value of the properties."

Mr. Tillman declared there can be no justice in compelling the people as a whole to pay dividends on watered stock primarily to increase the fortunes of men already too rich.

"Whatever else congress does or fails to do," he added, "the producers of the country should be relieved from such danger of being compelled to make good the values of over-capitalized railroads as turks in this innocent looking and plausible provision about 'fairly remunerative rates.'"

Mr. Tillman recommended that amendments to the bill be adopted which would give relief to "the anomalous and outrageous conditions of affairs disclosed as existing in West Virginia."

"Vested with the rights of eminent domain to construct their lines and granted liberal franchises and charters, the railroads, designed to be public carriers for the benefit of the whole people in the last few years have become rapidly transformed into the veriest band of robbers—highwaymen—who do not thrust their pistols in the faces of their victims and demand money or their lives, but who levy tribute in freight rates which are as high as the traffic will bear, deny access to market, monopolize with brazen effrontery one of the prime necessities of life—coal—and in every way show their absolute contempt for the people and the people's rights."

Mr. Tillman concluded with "a word of caution to the friends of the proposed legislation." He said:

"Our full expectations may not be realized at the present session of con-

LUCKY FOR JEWISH RACE

Entire Question Raised in Acute Form and May be Settled Shortly.

St. Petersburg, March 15.—Out of the violent anti-Semitic agitation of the reactionists which enabled Premier Witte and the liberal section of the cabinet to force Interior Minister Durnovo to issue instructions to the provincial authorities to prevent the massacres and prosecute the persons guilty of instigating them, may come unexpected good to the members of the oppressed race. The entire Jewish question has been raised in acute form and may be settled forthwith.

The emperor is said to be amazed at the revelations made by the Jewish "Opinion" which the premier received in audience March 7th, and to have informed Count Witte that it was urgently necessary to settle the question immediately. The emperor, it is added, instructed Count Witte to prepare a project providing for the equality of the Jews for presentation to the national assembly. Leading Jews of the empire, like Baron Gunsburg, however, knowing full well the hostility of a large class of Russians to the Jews and fearing an adverse decision, which would only further prejudice the power of their co-religionists, are opposed to the submission of the question to the assembly. They maintain that the manifesto of October 30, specifically declared all subjects were equal before the law, and that it is the duty of the government to immediately promulgate a law providing equality and protection for the Jews in the exercise of full rights.

N. C. PINE ASSOCIATION

Annual Session Ends After Election of Officers—Prices of Lumber Will Not be Advanced in the Near Future.

Norfolk, Va., March 15.—The annual session of the North Carolina Pine Association adjourned today after electing the following officers:

E. C. Fosberg, Norfolk, president. R. J. Camp, Franklin, Va., J. A. Wilkinson, Belhaven, N. C., and D. T. McKethan, Lumber, S. C., vice presidents; W. B. Roper, Norfolk, treasurer, and John R. Walker, Norfolk, secretary.

Between forty and fifty directors from Virginia and North and South Carolina were elected.

An important recommendation made by the price list committee was that the present prices of lumber be not advanced in the near future.

The establishment of a freight claim department for the association was recommended by the trade relations committee. Lumbermen have been complaining of the length of time it requires to get claims against the transportation companies through. The idea is to place at the head of the department an expert claim adjuster.

PLOT WAS ALL A HOAX

Confession Made by Laurence Rogers That There Was No Intention of Killing Dr. Parkhurst

New York, March 15.—The alleged plot to assassinate Rev. Dr. Charles H. Parkhurst was all a hoax according to a confession made today by Laurence Rogers, the man who told the story upon which the investigation of the alleged plot was based. Rogers' confession was made before Magistrate Wahle in police court this afternoon, while he was being examined in John Doe proceedings in connection with the affair.

He was promptly arrested on the motion of District Attorney Jerome and held for the grand jury on a charge of perjury.

When Rogers was taken into court today to testify against two policemen who had been named in this story, he made the confession. "It was all a joke," he said, "I started it as a joke, and when they got to pressing me hard I kept striking them, so I could hold my job. I made the affidavit all right, but I won't send any innocent man to jail. I'll take ten years myself first."

Judge Parker Will Speak in Charlotte Tonight.

Charlotte, N. C., March 15.—Judge Alton B. Parker will deliver an address at the Southern Manufacturers club tomorrow evening after a reception to be tendered him by a number of prominent citizens. Judge Parker stops here on his return home from Jackson, Miss., at the instance of leading democrats of the city. After his speech at the club he will attend a banquet to be given by the Greater Charlotte club.

The opponents of effective legislation are alert, have had large experience, and are thoroughly organized.

"The demand of the people for relief from the oppressions and wrongs they now endure may be thwarted by the great influence of the railroad corporations. This influence has hitherto been paramount, and its representatives in the two houses may feel it is safe to refuse to redress the grievances and to continue the policy of non-interference. They may ignore popular clamor and either pass no bill at all or enact one that will prove wholly inadequate. They may palter with us in a double sense; keep the word of promise to the ear, and break it to the hope."

"Such action on their part will, in my judgment be very unwise and will only dam up the water. The issue will be made the paramount one in the next election, and those who are responsible for delay or inadequate legislation will find that when at last the flood gates of popular wrath and indignation are hoisted there will be some fine grinding done."

CURS AND TRAITORS

Violent Denunciation of N. Y. Life Trustees

Life Trustees

BY JUDGE "ANDY" HAMILTON

Sensational Appearance Before Insurance Committee

The Whole Episode Was Intensely Dramatic—Marked Emotion Displayed When Reference Was Made to the Late President McCall, Who He Said Was a Victim, Driven to His Grave and Deserted—Hamilton Spoke in Advocacy of the Bill Which Will Remove the Trustees of the Company Upon November 21st, Next He Defends the Work He Accomplished.

Albany, N. Y., March 15.—Andrew Hamilton appeared before the insurance investigating committee this afternoon and broke the silence which he has maintained except for his statement brought from Paris by John C. McCall, ever since his name was first mentioned in the investigation in connection with the great sums of money shown to have been paid to him during the past ten years on account of his legal and legislative work for the New York Life and other insurance companies.

It would be difficult to exaggerate the sensation produced by his unexpected appearance, and by the speech which he made, or the intensely dramatic character of the whole episode. His face flushed, and his voice trembling with passion, his arms upraised and his fists clinched, Judge Hamilton poured forth a flood of denunciation and invective upon the members of the board of trustees of the New York Life Insurance company, several of whom were present, designating them "curs and traitors," and paying especial attention to one unnamed, whom he described as "the huckster of three administrations, the confidant of the Beers scandal, and author of the Beers pension—who rotates through one administration and another and thinks that he is going to be an indispensable member of yet another."

"And do you think," he demanded "that the man who held the same relation to Mr. Beers that I did to Mr. McCall could sit for the thirteen years, since and not know how the expenditures that were made were to be, and were disbursed? Yet he, and such like him sit, not judging me as peers, but judging me as conquerors, talking about 'yellow dogs.'"

Judge Hamilton's attack upon the trustees of the New York Life was made all the more dramatic by the fact that he immediately followed J. H. McIntosh, general solicitor of that company, who had been eulogizing the members of that board, and challenging any man to give reasons why they should be removed from office as contemplated by the pending legislation.

The only name he mentioned was that of the late President McCall in the reference to whom and to whose death he displayed marked emotion. He spoke of Mr. McCall as a victim, as having been shouldered with the blame—"that only one, the dead man, killed, that they drove to his grave and deserted" and declared that the memory of this man had appealed to him "to come down here and say something for him and just a word for myself."

Judge Hamilton after stating that he would confine his remarks entirely to the New York Life Insurance company said he had high and loyal respect for the other companies because "I have not yet found amongst them curs and traitors."

Continuing he said: "I address you upon and in advocacy of one bill solely, which I have not read, but the purport of which appears in the papers—and I say that it is your duty to report in favor of the measure that will remove the trustees of the New York Life Insurance company upon November 21st next arbitrarily."

"I look around this court and I see here many members of that board of trustees. I see amongst them men who have sat and listened to the stories of my victories in their behalf and applauded, and I wonder whether it was like that line in Goldsmith, whether it was 'counterfeited glee' or whether the attitude that they have since taken has been one of counterfeited honesty."

"One of the features that has been an important event in the investigations of your committee, Mr. Chairman, has been the question of my transaction, and of my vouchers, and when you have heard all the sweet protestations of innocence that have

come along, and how the only one was the dead man—killed, that they drove into his grave and deserted, and the 'yellow dog' that made an appeal to me to come down here and say something for him and just that word for myself—not that we are asserting any defense or making any apologies or asking any immunity, but because what I say is said in support of this measure which you gentlemen have proposed.

"Why when they say they did not know what was going on, it excites my laughter and derision. "In every administration of a great public concern there are many things to be done, which, in the hurried line of duty and in the desire for victory, cannot always be delayed. But there never was a line or a thing that was done in the N. Y. Life in my administration of my department, but the executive officers, one and all, were conscious of what the purpose was, or what the expense was. I say this now, and when I look around I see their faces before me, and I challenge contradiction."

Referring to the expenses incurred by him and the vouchers which were approved by the committee, Judge Hamilton said that no objection had been made to them during his ten years of service, but "when the cry came out, they say, well, we did not know anything about it. This is the fellow, this is the man that has done it all."

"If they had stopped, if they had performed their duty when they should have done it, if it was a duty—but mark, I am not assuming the assertion or accepting that it was a duty—but if it was a duty, they should have stopped it at its inception. And when they continued and continued by me, the faults, the blame, the responsibility are theirs and not mine."

"And let me say further," he added "that never a dollar of the New York Life's money passed through my hands to which I did not put my 'John Hancock.'"

"It simply excites my laughter when I hear the gentlemen assert, those who are here and in my hearing, and others that they did not know that Andrew Hamilton was defending the New York Life and the insurance interest generally throughout the United States on behalf of the principles which the officers of the insurance companies believed to be necessary for their success, and for the benefit of the policy holders."

He created laughter and applause when he detailed the consternation of the board upon hearing of certain legislation inimical to the company's interests, which needed to be looked after. They would say, he stated, "well send for the judge." All right, the judge will come. "Sit down." "Well, what is the trouble?" "Heavens if this bill passes, we might as well get out of that state." "All right, we will have to see what the objections are to it, we will have to agitate, we will have the press do something, we will have the politicians do something, we will have the agents do something, we will have the policy holders do something, we will get men of influence to go ahead and see if we cannot beat it." And we would beat it. Then the word would come 'It is beaten.' And they would come in and pat me on the back, these men that would not know me now, would come in and pat me on the back, and say 'You did it.'"

After denying that he ever saw the inside of the company's books, and therefore did not know how the money given him was charged up, Judge Hamilton declared that "if there were errors and wrong in that, it lays right down at the administration, and it comes right back to the board of trustees of the New York Life and to nobody else."

If, he said, the board did not approve his vouchers, "then they failed to perform their duty, and the reason I came forward now is not to say, or not to apologize for these vouchers, but to say this, these men with their responsibilities upon their shoulders and upon mine, they have something to account for."

"They may talk about the 'yellow dog,' but the 'yellow dog' is a dog of courage and of loyalty, but the curs who stood around this funeral that has occurred, and the curs who know of these transactions and shrunk into their shoes—they are the curs—and that is the reason that I come to speak before you and say that the great interest of two billions of dollars of life insurance and four hundred millions of dollars of assets can never be safely entrusted to the hands and administration of a lot of curs."

THE JAMESTOWN EXPOSITION

Negro League Protests Against Appropriation Unless Assurances are Given That Negroes Will Not be Discriminated Against.

Washington, March 15.—Rev. W. H. Scott, of Woburn, Mass., called on the members of the house committee on industrial arts and expositions today and on behalf of the Massachusetts suffrage league protested against the appropriation of money for the Jamestown exposition unless assurances are given that negroes will not be discriminated against while visiting the exposition.

Representative Gardner said that he is opposed to giving the exposition any more money than is absolutely necessary to entertain foreign guests who have been invited and referred the protest to Representative Maynard of Virginia. Mr. Maynard declared it is the purpose of the exposition to give consideration to negroes visiting Jamestown.

GIVEN MORE POWER

Action of House on Townsend

Resolution

SUGGESTED BY PRESIDENT

Connection of Railroads With Coal and Oil Industry

Session of the House Devoted to Debate on the Legislative Bill—Criticism of the Recent Killing of Moro Women and Children in the Battle on Mount Dajo—Keifer Speaks in Favor of Reducing Southern Representation in Congress—Williams Facetiously Instructs the Republicans What to Do in Their Caucus Action.

Washington, March 15.—The additional power which President Roosevelt suggested should be given the inter-state commerce commission in asking the special investigation into the coal and oil industry as related to transportation, was given by the house today in the passage of the Townsend resolution on that subject. The session which was ended at 3 o'clock so that the republican caucus might be held, was devoted to general debate on the legislative bill.

Severe criticism of the recent battle in the Philippines was made by Mr. Jones, of Virginia, who declared the killing of women and children was a disgrace to the nation. Mr. Williams, the minority leader, facetiously "instructed" the republicans on their caucus action and Mr. Keifer, of Ohio, delivered a speech in favor of reducing southern representation in congress.

When the legislative bill was taken up Mr. Keifer took the floor in advocacy of his re-apportionment bill reducing the southern representation in congress. The rights of both the white and colored population in these states, he said, had been abridged.

Brief comment on the recent battle in the Philippines was made by Mr. Jones, who said, making every allowance for the personal relations known to exist between the president and General Wood was unable to understand how the president could endorse the killing of women and children. It had shocked the whole nation.

"In my judgment," he continued, "this action on the part of the commanding general of our forces in the Moro provinces cannot be condoned or excused."

He regarded as highly improbable that the Moros took their children in their arms as shields, and charged the American troops. The Moros could not fight in that manner.

Mr. Williams followed to give the republican party "a little advice on statehood" but prefaced this by reading a poem written, he said, by a member entitled "The Charge of the Wood Brigade (what the heathen call the Massacre of Mount Dajo)."

It was a parody on the "Charge of the Light Brigade" and contained references to "the killing of women and children."

"The G. O. P.—the Grand Old Procrustinator, is going to hold a caucus at 3 o'clock," was the opening of Mr. Williams' advice. "Its chief purpose," he said, "is to determine whether you will allow yourselves to vote on the statehood question," continued Mr. Williams. "Whether you will vote on the senate proposition and whether you will admit Oklahoma or not."

No one, he said, questioned the power of the speaker to send the bill to committee, but the right to do it, he did question.

"THE LONSTORF CASE"

Suit of Alleged Conspiracy Against Mrs. Margaret Lonstorf and Several of Her Children.

Waukegan, Wis., March 15.—What is known as "The Lonstorf case" was called in the superior court before Judge Ludwig today. The suit is one of alleged conspiracy in which John Randall, guardian ad litem for Mrs. Emma Lonstorf seeks to recover \$750,000 damages from Mrs. Lonstorf, and several of her children, including Alderman George Lonstorf, alleging that they entered into a conspiracy to deprive Emma Lonstorf of the support and companionship of her husband, Otto Lonstorf.

Mrs. Margaret Lonstorf is the widow of Nicholas Lonstorf, and is reputed to be very wealthy. Mrs. Emma Lonstorf, before her marriage to Nicholas Lonstorf, on July 16, 1894, in Negaunee, Mich., was a salesgirl in one of the big dry goods stores in Milwaukee. Later, it is alleged, Otto was urged by the defendants to desert his wife. The shock of the desertion is alleged to have driven the young wife insane, and she is now a county charge.

For Drainage of the Dismal Swamp. Washington, March 15.—Representative Small of North Carolina today introduced a bill providing for the diversion of \$30,000,000 of the irrigation reclamation fund for the drainage of the Dismal Swamp.