

The Wilmington Messenger.

AOL. XIX. NO. 85.

WILMINGTON, N. C., FRIDAY, APRIL 13, 1906.

FIVE CENTS

RAILWAY RATE BILL

Foraker Urges Unconstitutionality of Pending Measure

SUGGESTS AMENDMENTS

Day For Voting May Be Agreed Upon in Senate Next Week

Several Speeches Yet to be Made on the Bill—The Measure May be Considered Section by Section Some Time Before Final Vote is Taken. Latimer Favors Limiting the Power of the Courts Which are to Have the Right to Review Findings of the Commission—Mr. Foraker Discussed Several Amendments Proposed by Him.

Washington, April 12.—After a brief speech by Mr. Latimer in support of the house railroad rate bill, Mr. Foraker today took the floor on that measure and consumed practically all of the remainder of the session. He spent some time in the discussion of some of the amendments he has suggested to the bill and then entered upon the consideration of the entire question of railroad rate regulation, urging again the unconstitutionality of the pending bill from various points of view. He was frequently interrupted by other senators. Mr. Lodge spoke briefly in support of the practice of granting lower rates on goods intended for export than on those used in domestic consumption. Mr. Latimer in his speech said that at the present time seven corporations control practically all of the railroads of the country, and no argument is necessary to convince a thinking man that this consolidation means the elimination of competition and the placing of despotic power in the hands of a few men.

Charging that consolidation of transportation facilities has reached a climax where the people are powerless to prevent abuse of railroad power, he said he would be glad to see the pending bill pass with an amendment distinctly forbidding any interference by the courts with the work of the commission. Whether a measure of that character would be unconstitutional he believed would have to be decided by the supreme court. He thought that any restriction of the authority of the commission would impair its work, and that it would be better to pass a law giving authority to the commission and let the supreme court of the United States pass upon it and then reach the situation as it may develop by constitutional amendment, or by modification of the law, if need be.

Summarizing what he believed to be the legislative situation of the pending measure, Mr. Latimer said: "I am lead to believe, however, from the discussions that have taken place here in the house, that we will be unable to pass the pending bill without providing for a review by the courts. This being true, we should pass the bill in such form as will as nearly as possible accomplish the desired end. It is of the highest importance that we should enact a law at this session of congress. The people are demanding immediate relief, and, not being able to secure what I believe the conditions demand, I shall vote for the pending bill with such amendments as tend to throw safeguards around the work of the commission."

"If the courts are to have the power to review the findings of the commission," said Mr. Latimer, "I am in favor of limiting that power by denying them the right to issue interlocutory orders." While Mr. Foraker was speaking Mr. Tillman said there were still several speeches to be made on the bill. He thought the last of these would be delivered some time next week, and that then a day for voting could be agreed upon. He again said that he would ask that some time in advance of the final vote be given to the consideration of the bill section by section.

Mr. Foraker then discussed his amendment giving complainants the alternative of taking their cases into the courts in preference to the interstate commerce commission. He de-

clared that the pending bill was not satisfactory to any one and that if not amended it would present many constitutional difficulties.

In reply to Mr. Bacon, Mr. Foraker said that when a case gets before a court it will become necessary to go into the entire case. He would have a broad review.

"Does the senator mean that in the end the courts, instead of the commission would in effect fix the rates?" asked Mr. Bacon, and Mr. Foraker denied that such was his purpose. The only question that a court could decide would be as to whether a given rate was just and reasonable. He declared that "A greater cheat and humbug," could not be conceived than the review suggested in the bill.

Mr. Foraker did not believe in a flat mileage rate as suggested by Mr. Tillman. In case of such legislation, he feared the result would be a serious matter for the strawberry growers of South Carolina and the peach growers of Georgia.

Mr. Tillman declared that although a peach-grower himself he was willing to take the chances on a flat rate. He believed it to be in accordance with the declaration of independence. He said there would be no danger of competition in southern peaches because he said "The peaches of Georgia are done and gone and ate up before the Delaware peaches get into the market."

"I'll stand and die by the proposition that it is all wrong to charge the same rate on peaches from Delaware to New York that is charged on them from South Carolina to New York," he added.

Mr. Foraker said that the manufacturing industries of the west and also of the south were very prosperous, and Mr. Tillman responded that this was true of the south despite the discriminations of the tariff and of railroad rates.

It looked for a time as the debate was going to drift into discussion on the tariff. Mr. Aldrich declared that no one gets more material advantage from the tariff system than the cotton manufacturers of the south. "The senator from South Carolina may not know it," he declared, "but the manufacturers do."

Mr. Tillman declared that the pottery manufacturers of East Liverpool, Ohio, were being deprived of the advantages the tariff gives them by the discrimination of the railroads.

Mr. Foraker admitted that there was some discrimination there, but said that the condition might be worse.

"Well, they're squealing," responded Mr. Tillman.

"If the senator had been there during the Cleveland administration," retorted Mr. Foraker, "he would have heard them squealing long and loud."

The senate adjourned until tomorrow.

MINERS AND OWNERS FAR APART

If Latest Proposition is Declined a Convention May be Called to Declare That a Strike Exists.

New York, April 12.—At the meeting of the sub-committees of the anthracite mine workers and operators here today the representatives of the employees offered the mine owners the choice of two propositions in their endeavor to come to an amicable agreement, and employers made an informal reply in which they intimated that they are not likely to accept either of the wage workers offers, and said they could not modify their propositions. The operators will make an official answer to the miners later proposition by letter and there will be no further meetings until something develops. While there is still hope that a peaceful solution of the controversy will be found, the meeting today did not bring the contending parties closer together; in fact, they appear to have almost reached the limit of their negotiations. If the operators should decline to entertain either of the propositions submitted by the miners today, it is probable a convention of miners will be called at which the delegates will declare that a strike exists. Briefly stated, the offer made by President Mitchell today was a re-submission of the miners original demands with two amendments and in case they are not accepted he proposes that the whole controversy be placed before the strike commission.

In one of the amendments of the original demands, President Mitchell drops the request for the recognition of the union, and provides that the proposed agreement be made between the operators and the anthracite mine workers instead of the United Mine Workers of America. The other amendment provides that only employees who are willing shall be assessed a certain sum each month to defray the expenses of carrying out the proposed check of agreement, instead of union and non-union men being called upon to contribute.

GREENE AND GAYNOR GUILTY

Sentence Will be Passed by Judge Speer To-Day

CASE LASTED FOURTEEN WEEKS

Defendants Found Guilty on Each of the Three Indictments Against Them. Court May Impose a Maximum Sentence of Seventeen Years in the Penitentiary and Fine of \$575,000. Nothing Known as to What the Next Steps in the Case Will be.

Savannah, Ga., April 12.—Benjamin D. Greene and John F. Gaynor were found guilty of conspiracy against the government, presenting false claims and embezzlement, in the federal court for the southern district of Georgia today and tomorrow Judge Emory Speer will pass sentence upon them.

The defendants were found guilty with no recommendation, upon each of the indictments. The verdict was rendered a few minutes before 2 o'clock, after the jury had been out three and a half hours.

For fourteen weeks the case had been in progress, and there was the stillness of the tomb in the court room as Judge Speer asked the jury if they had agreed upon a verdict. Foreman Hope Thomas answered in the affirmative, and the three indictments were taken and the findings read by the clerk. The jury at the request of the counsel for the defense was then polled, and each member stated that the verdicts rendered upon the indictments were his.

The maximum sentence that the court may impose under the law is an aggregate term of seventeen years in the penitentiary and a fine of \$575,000, the amount of the alleged embezzlement. Before adjournment until tomorrow morning at 10 o'clock, when the sentence will be pronounced, Judge Speer said:

The minimum sentence permissible under the law is two years in the penitentiary and a fine of \$1,000.

"I have no disposition toward these unfortunate men except to be just as merciful as my duty under the law will permit."

The clerk read to the court a communication from the jury in which the members tendered their heartfelt thanks to the court, the attorneys on both sides, the marshal and the other officers of the court for the kindly consideration shown them and the manner in which they had provided for their comfort and welfare.

Judge Speer in reply thanked the jury and said: "Since it is true that no jury in the United States perhaps in this century has had an ordeal more trying than yours, surely also it is true that you have rendered a service more likely to be of benefit to the people of this great republic in the future. This court wishes to thank you with all his heart for the manner in which you have performed your duty. Wishing you God speed, a safe return to your homes and families, a long life and much happiness, you are discharged by the court."

The defense's counsel will not discuss the next steps to be taken in the case, nor will District Attorney Marion Erwin say what will be done regarding the indictments against Oberlin M. Carter, Michael A. Connelley, Wm. T. and Edward F. Gaynor, who were jointly indicted with the defendants convicted today.

Mr. Erwin this afternoon received a telegram from Attorney General Moody expressing the congratulations of the president and the attorney general upon the outcome of the case, upon which Mr. Erwin has been engaged for seven years.

The trial of Messrs. Greene and Gaynor has consumed about fourteen weeks. The defendants were charged with conspiracy to defraud the government and embezzlement in connection with the big government engineering works in this vicinity. They were indicted in 1902 and after fighting extradition proceedings in New York fled to Canada. After lengthy proceedings there they were finally extradited and were brought to Savannah for trial. Captain Oberlin M. Carter of the engineer corps, who had charge of the improvement works under Greene and Gaynor contract was court martialed for his complicity in the alleged frauds, and was sentenced to be dishonorably discharged from the army and to serve a term of imprisonment for five years.

OPENING OF BASEBALL SEASON

First Game Played by Teams of the National League

LARGE CROWDS IN ATTENDANCE

In Each Instance the Home Team Lost. American League Season Will Open Saturday—Princeton Wins a Ninth-Inning Victory From Virginia. Other Games.

New York, April 12.—The National League baseball season opened today with the eastern and western teams playing in the respective divisions, and with favorable weather conditions in each city where the games were scheduled. There were games in Brooklyn, Philadelphia, Cincinnati and St. Louis, and in each instance the home team lost.

In Brooklyn, Philadelphia and Cincinnati the crowds were unusually large and the St. Louis management seemed satisfied with the turn out of admirers of the sport in that city.

The American League season will be inaugurated Saturday with the eastern and western teams playing against each other.

Cincinnati, April 12.—The Cincinnati baseball season of 1906 was opened this afternoon before 17,241 spectators. Cincinnati was first to score, but did not keep the lead long, Chicago securing passes off Overall and making hits when they would do the most good.

The score— R. H. E. Cincinnati .0 1 0 0 0 0 1—2 8 4 Chicago .0 0 0 3 0 0 2—7 9 0 Batteries: Overall and Schultz; Lundgren and Kling. Umpire Johnstone. Time 2:10.

Philadelphia, April 12.—The National League season was opened here today with delightful weather and an attendance of nearly twelve thousand. Mayor Weaver was present accompanied by the heads of the various city departments and when time for play was reached, the mayor tossed the ball from the upper pavilion into the hands of Umpire O'Day. New York outplayed the local team both at the bat and in the field. Attendance 11,710.

The score— R. H. E. New York .2 1 0 0 0 0 0—3 7 2 Philadelphia .0 1 0 0 0 0 0—2 4 3 Batteries: Ames and Gilbert; Lush and Donovan. Time 1:43. Umpire O'Day.

St. Louis, April 12.—National League. Pittsburg opened the local National League championship season today by winning an exciting thirteen inning contest from St. Louis.

The score— R. H. E. St. Louis 12 1 Pittsburg 2 7 1 Batteries: Taylor and Grady; Willis and Gibson. Umpires Klein and Carpenter. Time 2:00. Attendance 3,500.

Brooklyn, April 12.—The National League baseball season was opened here today. "Young" Cy Young, pitched one of his best games and the home team got only one hit off him.

The score— R. H. E. Brooklyn .0 0 0 0 0 0 0—0 1 1 Boston 10 0 0 0 0 0 1—2 6 3 Batteries: McIntyre and Bergen; Young and Needham. Umpires Emslie and Conway. Attendance 12,000. Time 1:22.

SOUTHERN LEAGUE.

At Atlanta—Atlanta 1, Montgomery 0.
At Birmingham—Birmingham 5, Nashville 0.
At New Orleans—New Orleans 3, Little Rock 1.
At Memphis—Memphis 11, Shreveport 5.

PRINCETON 2; VIRGINIA 1.

Charlottesville, Va., April 12.—Princeton won a ninth inning victory over Virginia this afternoon 2 to 1 after a brilliant contest. With the score a tie and two men out in the ninth inning, Vaughn, the Exeter freshman drove a triplet to rightfield, Harlan scoring. Virginia's freshman pitcher, Suson allowed only one run in the first seven innings. Both teams fielded brilliantly.

The score— R. H. E. Virginia 0 0 0 0 0 1 0—1 2 2 Princeton 0 0 0 0 0 1 1—2 5 1 Batteries: Susong and Chandler; Heiniger and Cooney. Umpire Hoffner and Virginia League.

OTHER GAMES.

At Raleigh—Agricultural and Mechanical college 16; University of South Carolina 3.
At Lexington, Va.—Washington and Lee University 3, Syracuse 7.
At Roanoke—Roanoke state 5, Baltimore Yanigans 3.
At Lynchburg—Lynchburg state 9, St. Johns college, Annapolis 2.
At Washington—Georgetown 2, Yale 1.
At Washington—Washington (Am) 2, Baltimore 0.
At New York—New York (Am) 5, Newark 0.
Cambridge, Mass., April 12.—The Harvard baseball squad left this afternoon for New York on the way to Richmond, Va., where it will stay a week for the annual spring training.

MONEY FOR RELIEF

Aid Given to Sufferers From

Volcano Eruption

NEWS IS MORE ASSURING

Further Evidence of the Magnitude of the Disaster

New Tragedies Revealed by the Visit of King Victor Emmanuel to Ottajano—Large Number of Robberies of Deserted Houses—Estimated That Fully 5,000 Houses in All Have Been Partly or Entirely Destroyed—Scenic Effects of the Eruption as They Exist at Naples.

Naples, April 12.—While the news from Mount Vesuvius today is reassuring, the conditions here in Naples are such as to make it difficult to realize that conditions are actually better. The wind is blowing from the volcano toward Naples, carrying the ashes in this direction. Towards evening the fall of ashes and cinders there was worse than at any time since the eruption began.

The scenic effects vary from hour to hour. Now in the north the sky is chocolate color, lowering and heavy under which men and women with hair and clothing covered with ashes, move about like ghosts. Fort San Martino, as it towers above the town, can only just be seen, while Castel Dell'Ovo is boldly marked in light, seeming like silver against the brown sky.

To the south, beyond the smoke zone, lies smiling sunny Posilipo and its peninsula, while far away glistens the sea, a deep blue, on which the islands seem to float in the glow of the setting sun. Adding to the strange picture one of the French men of war which arrived in the bay of Naples today is so placed as to be half in the glow and half obscured by this belt of falling ashes.

At the observatory of Mount Vesuvius, where Director Matteucci is continuing his work in behalf of science and humanity, the scene is one of great impressiveness. To reach the observatory one must walk for miles over hardened but hot lava, covered with sand, until he comes to a point whence nothing can be seen, but vast gray reaches, sometimes flag and sometimes gathered into huge mounds, which take on semblance of human faces. Above the heavens are gray like earth beneath, and seem just as hard and immovable. In all this lonely waste there is no sign of life or vegetation and no sound is heard except the low mutterings of the volcano. One seems almost impelled to scream aloud to break the horrible stillness of a land seemingly forgotten both by God and man.

Every day that passes gives new evidence of the magnitude of the catastrophe. Today's visit of King Victor Emanuel to Ottajano revealed new tragedies. At a certain point his majesty was obliged to abandon his motor car and went forward on horse back amid constant danger, his horse floundering through four feet of ashes, stumbling into holes, blinded by the fall of large cinders and the target for falling basaltic masses. In the presence of the king 129 more bodies were extricated from the ruins, the white ashes and red sand falling as though they were determined not to relinquish their victims. The dead at Ottajano are said to number 550.

The king was very pale. To a priest who came to him he said: "How did you escape?" "I put myself on safety," replied the priest.

"What do you mean?" asked the king. "Realizing the danger," was the priest's reply, "I had left for Nola." The king flushed with anger. "What," he cried, "you a minister of God, were not here to share the danger of your people and administer the last sacraments? You did very wrong."

Queen Helena was with the king when he started to Ottajano, but she was obliged to turn back, as the

COCKRAN RIDICULES SENATORS

New York Representative Makes

Fun of Constitutional Debates

BIG CROWD HEARD HIS SPEECH

Mr. Cockran Defended the Hepburn Rate Bill and the Manner in Which the House Has Acted—Progress Made on the Postoffice Appropriation Bill.

Washington, April 12.—The feature of today's proceedings in the house of representatives was the speech made by Mr. Cockran of New York, who under an agreement made on the previous day was given an hour to elucidate the subject of "general debate" on appropriation bills. In view of the announcement that Mr. Cockran would speak the galleries were crowded and a very large proportion of the members of the house were in attendance.

Mr. Cockran after a short discussion of the fiction of "general debate" and the failure of members to attend the sittings of the house while subjects covering the widest possible latitude were being illuminated, launched out into a defense of the Hepburn rate bill and the high position taken by the house, not only in the exceptional character of the legislation, but in the dignified way in which the bill passed the lower branch of congress. In this connection he ridiculed the constitutional debates in the senate.

"A constitutional lawyer, how are we to distinguish him? Not by the number of decisions of courts proving his contentions but by the wonder and awe of his associates; at the multiplicity of his quotations; the strangeness of his phrases; the awfulness of his men and the mystery of his meaning." (Loud applause.)

"These constitutional lawyers," he said, "had spread their wings and taken flight far beyond the view of ordinary citizens. If a railroad did not like the action of the commission all it need do was to ignore the order; all it need do is to stand pat," he exclaimed.

Progress was made on the postoffice appropriation bill, 18 of the 29 pages having been completed, but the few amendments being made to the measure and these not changing the amount of the appropriation to any considerable extent.

Mr. Bartlett, of Georgia, offered an amendment giving the right to any person or corporation who having applied to the postmaster general for admission of a publication to the mails at second class rate and the application having been refused, to apply for a writ of mandamus to the supreme court of the District of Columbia, that the case may be reviewed. The amendment out on a point of order.

The house adjourned until tomorrow.

task was one not suitable for a woman. She spent most of the day visiting the injured in Naples hospitals and inspecting the housings provided for the refugees. The princess of Schleswig-Holstein set out in her automobile this morning to visit the hospitals in the desolated towns, but after a time the motor car became disabled and she was forced to return on foot a distance of twelve miles, walking the distance through three feet of ashes. The princess' endurance surprised the Neapolitans, some of whom declared that she must have been aided by the saints, for never before had a woman accomplished such a task.

There have been a large number of robberies of deserted houses, in spite of the efforts of the authorities to protect property. In the excited condition of the populace there is some difficulty in preserving order. The closing of a church at Torre Annunziata, which was considered as unsafe, precipitated a small riot.

The latest reports show that 243 houses have been damaged at Portici, 195 at San Giovanni and Teduccio; 432 at Resina and 1,000 at Torre del Greco. It is impossible to determine the exact number of buildings demolished at Torre Annunziata. It is estimated that about 5,000 houses in all have been partly or entirely destroyed.

In the villages on the Ottajano side of the mountain all the houses are damaged. At Nola desolation reigns, the place having been almost entirely abandoned.

A committee has been organized to collect funds and organize assistance for the relief of the sufferers. It is presided over by the Duke of Aosta. The government headed the subscription list with \$100,000. The amount collected up to the present time is \$300,000.