

# The Wilmington Messenger.

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WILMINGTON, N. C., SATURDAY, APRIL 14, 1906.

FIVE CENTS

## 4 YEARS IN PRISON.

### Sentence Passed on Greene and Gaynor.

## AN APPEAL WILL BE TAKEN

### Each of the Men Must Pay a Fine of \$575,794.90.

This Need Not be Paid if On Completing the Sentence the Men Make Affidavit That They are Not Possessed of \$20—They Then May Serve Thirty Days Longer—By Good Behavior the Prisoners Can Reduce Their Term of Service to Three Years—Remarks of Judge Speer in Sentencing the Men.

Savannah, Ga., April 13.—Benjamin D. Greene and John G. Gaynor were sentenced by Judge Speer in the federal court today to serve four years in the federal prison at Atlanta, Ga., and to pay each a fine of \$575,794.90, the amount they were charged with having embezzled.

Upon one indictment the sentence was to two years and upon each of the indictments four years, but the court directed that the sentence might all be served concurrently, which reduced the term to four years. With the allowance of three months off each year during which the behavior of the prisoners may be good, the sentence may be further reduced to three years. The fine need not be paid if, on completing the sentence, the prisoners make affidavit that they are not possessed of more than twenty dollars. In lieu of paying the fine, they then may serve thirty days longer.

Counsel for prisoners announce that an appeal will be taken. An order of court grants ten days for the filing of bill of exceptions, upon which a motion for a new trial will be predicated.

Judge Speer in sentencing the prisoner said:

"The most painful judicial duty is the imposition of a sentence to penal servitude. This is peculiarly true when those convicted are men of fine intelligence, men of affairs, men who have had the opportunities of education or who have been trained by the teachings of experience. Peculiarly painful is that duty when the convicted have filled positions of responsibility, of honor and trust. All of these conditions are present in the duty before me. One of the prisoners has been distinguished by his state, has been an important official of one of the great political parties, a man of large acquaintance, perhaps with multitudes of earnest friends. The other is a graduate of distinction of our great military academy at West Point and at one time was a captain in that famous corps of engineers whose roster bears such names as Robert E. Lee and George Gordon Meade, a corps whose record was stainless before the occurrences which have been developed in evidence here.

"I am told that it has been cynically said by a famous New Yorker that no man who has a million dollars can be convicted of crime in America. The verdict of this jury of plain, clear sighted honest Americans has falsified such pessimism. Of that jury it may be said that there is perhaps not a man who cannot trace his ancestors to a patriot of the revolution which establishes American independence.

"It is true as I have often declared that to the homogeneous Americanism of these southern states when they are plainly shown their duty, our country may ever look with confidence for the enforcement of its laws and for the maintenance of its institutions. Nor can it be questioned that these institutions are in jeopardy if such flagrant spoliation of the public treasury as proven in this case could go unwhipped of justice. The settled policy of our national legislature to appropriate large sums for the improvement of the revenues of inter-state and foreign trade and commerce which are under

(Continued on Fifth Page.)

## FIGHTS BARNES NOMINATION

### Four Formal Charges Filed With Committee by Tillman.

THE MRS. MINOR NORRIS CASE

Figures Prominently in the Charges. Barnes is Charged With Inhuman and With Making False Statements and With Making False Statements About the Matter—Tillman Asks That Seven Witnesses be Examined.

Washington, April 13.—Senator Tillman today filed formal charges with the sub-committee considering the nomination of Benjamin F. Barnes, assistant secretary to the president to be postmaster at Washington and protested against his confirmation. These charges relate to the expulsion of Mrs. Minor Norris from the executive offices and assert inhuman and brutal treatment of the woman and also alleges that Barnes made a false statement about the case.

The charges are four in number and are as follows:

"That Mr. Barnes is lacking in gentlemanly and manly consideration for ladies which caused him to abuse his authority so far as to order the expulsion from the executive offices of Mrs. Minor Norris on January 4, 1906, without any justification or good reason therefore.

"That having issued the order he stood by and saw it executed in a most brutal and outrageous manner without interference, compelling the policemen to drag and finally, with the aid of a negro employed at the White House to carry her, with the negro holding her by the ankles and with her limbs exposed, the entire distance from the executive offices at the western end of the White House to the eastern exit where she was thrust into a cab and sent to the house of detention, by which brutal treatment her life was endangered and health seriously impaired from shock and injuries received.

"That after this tyrannical and outrageous abuse of his authority lodged charges of insanity against Mrs. Norris and compelled her to remain in prison for more than four hours, thus adding insult to injury and producing in the public mind impressions derogatory to both her reputation and her mental condition.

"That he made a statement to the press which was null of falsehoods and which proves him to be lacking in that integrity and high character which a high government official should have."

Senator Tillman asks that seven witnesses including all the newspaper men at the White House at the time be summoned before the committee.

## BASEBALL.

### National League.

At St. Louis vs. Pittsburgh, no game.

Cincinnati, April 11.—Two errors each followed by a home run were responsible for four of the five runs scored by Chicago in today's game.

| Team       | R | H | E |
|------------|---|---|---|
| Cincinnati | 1 | 5 | 3 |
| Chicago    | 5 | 5 | 0 |

Batteries: Harper and Schiel; Wickger and Kling. Time two hours. Umpire Johnstone. Attendance 2,000.

Brooklyn, April 13.—Brooklyn suffered her second defeat at the hands of the Boston team here today.

| Team     | R | H  | E |
|----------|---|----|---|
| Boston   | 7 | 10 | 2 |
| Brooklyn | 4 | 6  | 4 |

Batteries: Pfeffer and Needham; Stricklett and Bergen. Time 1:50. Umpires Conway and Emsale. Attendance 4,500.

Philadelphia, April 13.—New York and Philadelphia had an exciting contest today, which ended in victory for the local team after ten innings play.

| Team         | R | H  | E |
|--------------|---|----|---|
| New York     | 4 | 9  | 1 |
| Philadelphia | 5 | 11 | 4 |

Batteries: McGinnity and Bresnahan; Sparks, Duggleby, Kane and Doolin. Time 1:40 Umpire O'Day. Attendance 10,041.

### Southern League.

At Atlanta—Atlanta 2, Montgomery 12 innings.

At Birmingham—Birmingham 8, Nashville 2.

At New Orleans—Little Rock vs. New Orleans, rain.

At Memphis—Memphis vs. Shreveport, rain.

At Charleston—Charleston (S. A.) 18, Battleship Texas 0.

At Washington—Washington (Am.) 2, Princeton 0.

At Atlanta—Georgia Techs 5, Vanderbilt 4.

At Baltimore—Columbia 4, Johns Hopkins 1.

At Washington—Lehigh 23, George Washington 3.

At Roanoke—Roanoke 7, Baltimore Yankees 2.

At Greensboro—Guilford College 12, Wake Forest 3.

At Norfolk, Va.—Yale 11, University of Virginia 10.

## MEMBERS IN CLASH

### Acrimonious Discussion of a Resolution in House.

## CALLED DOWN BY CANNON

### Unparliamentary Language Ordered Stricken From the Record

The Discussion Arose Out of the Use of Certain Sentences Used in a Speech by Mr. Hopkins—Expunging Resolution Finally Passed—Sharp Criticism of Mr. Hopkins by Mr. Goldfogle—Postoffice Appropriation Bill Completed—Southern Fast Mail Provision Retained in the Bill.

Washington, April 13.—Speaker Cannon was distinctly in his element today when every indication pointed to a clash between Mr. Dalzell, of Pennsylvania, and Mr. Williams, of Mississippi, over the use of certain sentences in a speech made by Mr. Hopkins, of Kentucky.

Immediately after the journal had been read the house plunged into the consideration of a resolution offered by Mr. Gardner, of Massachusetts, to have expunged from the record certain remarks reflecting upon the integrity of Mr. Bennet, of New York. Acrimonious words were general.

The debate grew in intensity of expression and the minority leader, Mr. Williams, had severely impugned the motives of Mr. Bennet who had secured the passage of a joint resolution some days ago waiving the immigration laws in the case of Fannie Diver, an idiot.

Finally Mr. Dalzell, of Pennsylvania, was drawn into the discussion and there seemed an imminent clash between the Pennsylvania and the Mississippi when Speaker Cannon ordered and directed that the unparliamentary language used by Mr. Dalzell and Mr. Williams be stricken from the record, as both gentlemen were speaking out of order. The expunging resolution was finally passed. The postoffice appropriation bill was completed during the day, after a roll call on the Southern fast mail subsidy provision which was retained in the bill.

Mr. Goldfogle, immediately after the reading of the resolution, in a speech bristling with anger said that the gentlemen from Kentucky, Mr. Hopkins, had "meanly misrepresented" him; that he had taken advantage of the right given by the house to "extend his remarks in the record," and had inserted in the record insinuations that were "unqualifiably false."

The house was in confusion over the statement. The speaker rapped loudly for order, but Mr. Goldfogle, insensible to the pounding of the gavel, insisted as he took his seat that "it was the meanest speech he had ever heard."

Mr. Hopkins replied that on several occasions both Mr. Bennet and Mr. Goldfogle had injected remarks into his speeches on immigration, and had taken occasion to put him wrong before the people of his district and he would not stand for it.

Mr. Goldfogle said that while the gentleman from Kentucky, Mr. Hopkins, "endeavored to so frame his remarks to show that he was opposed only to the admission of undesirable aliens yet any one reading the speech of the gentleman from Kentucky might readily observe that there ran through it the spirit of a bigot and a know-nothing."

Mr. James, of Kentucky, was instantly on his feet, calling Mr. Goldfogle to order. He demanded that the words be taken down. The speaker sharply called Mr. Goldfogle to order warning him that he must keep within the rules of the house.

Mr. Goldfogle apologized for the words.

"A good deal of legislation takes place on honor," said Mr. Williams, of Mississippi, the minority leader "and great deal by unanimous consent. So far from this house being called upon to consider a resolution to expunge certain remarks from the gentleman from Kentucky, Mr. Hopkins, it ought to be called upon to consider a resolution to exempt the gentleman from New York, Mr. Bennet, for having acted in bad faith with his colleagues on this floor."

Mr. Dalzell, of Pennsylvania, and Mr. Williams, of Mississippi, became involved in an altercation as to the words used by Mr. Williams in criticism of Mr. Bennet until there were calls on all sides to have the words

## CONFERENCE AT WHITE HOUSE.

### Rate Discussion With Simmons, Overman and Nelson.

## TO STRENGTHEN HEPBURN BILL

### The President Thinks it Wise to Attach to That Measure Either the Amendment Offered by Simmons or That Presented by Mallory—President Declines Invitation to Visit Charlotte.

Washington, April 13.—Railroad rate legislation again was a topic of important discussion today at the white house. The president talked over the subject with Senator Nelson of Minnesota, one of the staunch supporters of rate regulation, and later discussed it with Senators Simmons and Overman, of North Carolina.

The president suggested to Senator Nelson that in his judgment it would be wise to attach to the Hepburn bill either the amendment offered by Senator Simmons or that by Senator Mallory, of Florida, both of which are designed to prevent unusual delay in the consideration of applications for temporary injunctions. The proposed amendments provide that proceedings for preliminary injunctions must be begun before the rate fixed by the commission goes into effect. The complainant must begin proceedings within fifteen days after any given rate fixed by the commission and the notification has been received. Ten days then are allowed for the taking of testimony and the return of papers.

In thirty-five days all the facts in any case must be ready for submission to the court on motion for a temporary injunction. Such an amendment, it is believed by the advocates of rate legislation, would insure a speedy determination of any given case and would prevent delays which they fear.

Later, when Senators Simmons and Overman called with a delegation of Charlotte, N. C., men to invite the president to deliver an address on the occasion of the celebration of the Mecklenburg declaration of independence, on May 20—an invitation the president felt obliged to decline—he talked with them regarding the proposed amendment. It is known the president told them about what he had told Senator Nelson. It is regarded as likely that such an amendment may be adopted.

## Death of Richard Garnett.

London, April 13.—Richard Garnett, the English author, died today of internal hemorrhage. He was 71 years old.

taken down. The speaker closed the incident by stating that the words would not be taken down because both gentlemen were out of order.

The vote was then taken on the resolution to expunge and it was adopted, ayes 155, nought 91.

The house resumed consideration of the postoffice appropriation bill.

When the paragraph in the bill relating to railway mail pay was reached, a half dozen members from the south rose for the purpose of still further ventilating the subject of the special fast mail provision of the Southern railway. Notwithstanding that the "subsidy" had been considered for a number of days the interest seemed to be just as keen as when the first speech was made on the subject.

On a vote being taken, on the motion of Mr. Moon, of Tennessee, to strike out of the bill the appropriation for special mail facilities between Washington, Atlanta and New Orleans the motion was rejected 102 to 106.

Mr. Aiken, of South Carolina, endeavored to get the salaries of rural carriers increased from \$720 to \$840 a year and to grant them 15 days annual leave. He also proposed an amendment to insure rural deliveries six days a week, but this was ruled out of order and the other propositions were defeated.

An effort by Mr. Flood, of Virginia, to put Confederate veterans on the same preferred class as other veterans, for positions as rural carriers, was unsuccessful. The bill was finally perfected when Mr. Moon, of Tennessee, entered a motion to re-commit it to the postoffice committee with instructions to report the bill to the house immediately with the Southern railway mail subsidy stricken out. On this motion, Mr. Crumacker, of Indiana demanded a roll call, which was ordered.

Mr. Moon's motion to defeat the subsidy was lost 96 to 99; present 7. This retained the subsidy in the bill, and without further objection the bill was passed.

The house adjourned until tomorrow.

## VOLCANO IS QUIET.

### Mount Vesuvius Gives no Sign of Life.

## RECOVERY OF THE DEAD.

### People Give Fervent Thanksgiving for the Danger Past.

Every outward indication shows that the eruption has ended—Trip of the Associated Press Representative Over the Belt Affected by the Fall of Ashes—Conditions at Naples Greatly Improved—Exhumation of the Dead at Boscotrecase Being Carried on by Soldiers.

Naples, April 13.—The period of danger has passed and only desolation and slowly declining ponds remain. Mount Vesuvius has ceased to give any sign of life. The volcano seems to have spent itself in one enormous convulsion. Director Matteucci, who heroically holds his post in the observatory believes that the eruption has ended and every outward indication confirms this view. No more rumblings come from the bowels of the earth, giving terrifying warning to the inhabitants. The volcano is hidden behind a thick curtain of smoke, which rises from the crater and then spreads and falls, enveloping a vast circle in semi-darkness. Naples is just beyond this circle, and today the city was bathed in sunshine while the ugly pall hung to the westward over a belt midway between Rome and Naples.

Vesuvius today belies all popular pictures which represents the mountain clearly outlined against the sky vomiting smoke, and ashes by day and fire by night. Today not the slightest outline is visible of the crater, crest or foot hills, all being swallowed up in a dense mass of smoke. There is the same obscurity tonight, unrelieved by flashes or reflected light such as are seen during quieter periods. Vesuvius quiescent is picturesquely grand, but active or smoldering it is terrible, only in its blackness and obscurity.

The Associated Press correspondent traveled today in the belt over which ashes continue to fall. This lies to the north of Naples, as the wind now carries the discharge away from the city.

At Rome there was sunshine, but twenty miles south, a thin veil of smoke made nearby mountains dimly visible, their snow peaks soiled and sooty. The zone of semi-obscurity began 25 miles above Naples. Hehe there was an uncanny phenomenon. The sun, though shining, was invisible. Its light seemed to come through smoked glass shedding a sickly glare upon whitened vegetation. Everything was covered with powder. The locomotives were coated as though they had ploughed through tar. Pretty white villas were daubed and dripping with mud and people were busy on the roofs shoveling off the ashes. The crowds at the stations resembled millers, their clothing covered with powder. The Campania presents the appearance of a Dakota prairie after a blizzard except that everything is gray instead of white. The ashes lie in drifts knee deep. Villas trees and churches have been beaten with gray mud in the sides exposed to the volcanic storm.

Ten miles north of Naples the train enters an area of semi-night. Billows of thick smoke roll from the direction of the mountain. The railway telegraph poles become invisible twenty feet away. The train moves with extreme precaution to avoid collision. Breathing is difficult and the smoke makes the eyes water. This obscurity lasts until a short distance north of Naples, where the sky clears and normal conditions are resumed.

No better evidence of the improved condition of affairs in the section by the eruption of Mount Vesuvius can be presented than the following telegram from Director Matteucci, sent this evening from the observatory on the side of the volcano:

"Last night and today the activity of

## DOWIE AND VOLIVA MAY AGREE.

### Peaceful Settlement of the Trouble Seems Probable.

## ZION PROPERTY FOR CHURCH

### Dowie Agrees to Retire if Granted Five Per Cent of the Property, Amounting to \$1,800,000—The Church Will Get \$19,000,000—Statements Made by Counsel for Dowie and Voliva.

Chicago, April 13.—Peaceful settlement of the strife between John Alexander Dowie and those of his followers who recently rebelled under the leadership of Wilber Glenn Voliva is in sight, according to statements made tonight by the legal advisers of both Voliva and Dowie. After an all day conference, Emil C. Weten, representing Dowie, tonight said:

"We are nearer a peaceful solution of this question tonight than we have been at any stage of the proceedings. We have changed our minds relative to filing of a bill in equity, declaring the transfer of the ownership of the property of Zion City by Voliva to Deacon Alexander Grainger to be void and will wait further developments. Today, as a matter of formality, we filed a paper in the circuit court of Lake county, declaring that the power of attorney to General Overseer Voliva by John Alexander Dowie, was absolutely void, inasmuch as Voliva had not acted in accordance with the instructions given him in reference to the execution of the powers delegated to him by Dowie.

"Dowie, before the transfer, sent Voliva a telegram revoking the power of attorney. This telegram said:

"Inform all Zion that your appointment is on the face of it temporary, and that your instructions do not permit you to change my policies in any department."

Jacob Newman, attorney for Voliva said:

"Dowie and his advisers admit that 95 per cent of the Zion properties belong to the Christian Catholic church and he has acquiesced in the proposition that if he is given five per cent of this property, after he has been installed in temporary control, both ecclesiastical and financial, he will retire.

"In other words, Dowie desires to be vindicated, reinstated with full powers attending the first apostleship of the Christian Catholic church, whereupon he will issue an edict, declaring that 95 per cent of the property of Zion City belongs to the church and that five per cent, belongs to Dowie. This would give to Dowie \$1,000,000, and to the church \$19,000,000."

Vesuvius and the agitation at the surface of the volcano sensibly diminished. Electric discharges ceased today, and the discharge is less abundant. From the presumed formation of the crater and other indications, and if the news coming to me is true of the cessation of lava at Boscotrecase I predict with reserve that in two or three days volcanic calm will reign.

The publication of this assuring despatch has brought joy to the people and tonight's Good Friday services at the churches, which were attended by large congregations, took the form of fervent thanksgiving for danger past.

Conditions at Naples were so much better today that the people were almost incredulous of the tales of terror told by those who had escaped from the town, villages and country farther within the zone of devastation. The weather was fine and the wind had shifted so that the clouds of ashes from the volcano, instead of enveloping Naples were carried in the no reflection of the terror which had sions of the populace gave place to a smiling confidence, in which there was no reflection of the terror which had prevailed for the past week.

But in other quarters there is no escaping from the awful evidence of the volcano's fury. At Boscotrecase the exhumation of the dead is being carried on by soldiers, who, owing to the advanced state of decomposition of the corpses, are unable to work more than an hour at a time. The work is one of great financial cost as well as of danger and arduousness to those engaged in it. Many of the bodies are merely shapeless, unrecognizable masses of flesh and bones, while others are but little disfigured. As quickly as possible they are buried in quicklime, to lessen as far as may be the danger of epidemic. None but those engaged in the work of recovering the corpses are permitted in the vicinity.