

THE RALEIGH EVENING TIMES.

VOLUME 27.

RALEIGH EVENING TIMES, MONDAY, FEBRUARY 5, 1906

PRICE 5c.

SENATE STIRRED BY PATTERSON

Says Caucus Action Violates Constitution

STATE RIGHTS INVADED

Declares Any Senator Who Permits Himself to Be Coerced Weakens His State—To Vote Otherwise Than Sense of Duty Degrades Dignity.

(By the Associated Press.)

Washington, Feb. 5.—The senate today adopted a resolution reappointing former Secretary of State Richard Olney as a member of the board of regents of the Smithsonian Institution.

Mr. Patterson caused a sensation in the senate by introducing a resolution relative to the rights of senators in voting upon treaties.

Mr. Patterson's resolution recited that the action of the democratic caucus indicating to senators how they should vote was a plain violation of the spirit and intent of the constitution of the United States; that each senator was entitled to one vote and any attempt to coerce him was an invasion of the rights of a state; that any senator who permits himself to be so coerced weakens and degrades his state; that for any senator to vote otherwise than as his sense of duty dictates degrades his high office and assails the dignity and standing of the senate.

The resolution was listened to with great interest by the senators.

Mr. Lodge had prepared a resolution similar to that of Senator Patterson, declaring that a treaty like the Dominican should not be made the subject of party action, but withheld it when he heard that Mr. Patterson had proposed a resolution. This he heard from the lips of the Colorado senator, who claimed the privilege of presenting the matter. Mr. Lodge conceded the superiority of Mr. Patterson's claim.

Mr. Tillman objected to the present consideration of the Patterson resolution unless it was a question of personal privilege. Mr. Patterson said it was not and gave notice that he would discuss the resolution tomorrow.

Mr. Tillman again.

Mr. Tillman presented and the senate adopted a resolution calling upon the postmaster general for information as to the number of postal clerks killed in railroad accidents during the past five years, also asking how many steel cars are now used in the postal service and whether the fatalities have been so great in those as in other cars.

In presenting the resolution Mr. Tillman said that he had noticed the frequent fatalities to mail clerks in railroad accidents, and that he wanted to ascertain whether more security for them could not be secured by means of stronger mail cars.

The shipping bill was taken up at 2:15 p. m. in the senate. Mr. Teller took the floor and denied that funds used in the irrigation service were in the nature of a bounty to the west. He contended that these funds were a loan, and a benefit only in the fact that they draw no interest.

WAR TALK ABOUT CHINA SERIOUS.

(By the Associated Press.)

San Francisco, Cal., Feb. 5.—Army officers who arrived here on the transport Logan report that the prospect of trouble in China is the chief topic of discussion in army circles in Manila. The thirteenth infantry and two squadrons of the eighth cavalry have been ordered to prepare themselves for field service. The destination of these troops remains a headquarters secret, but the only explanation of the order is that they are to be held in readiness for a China expedition at the first warning of an outbreak.

Those who came on the Logan asked first for news from China, as they said that most of the information on the subject which was current in the Philippines came by way of Washington.

The officers of the troops under field orders have made preparations to leave on twenty-four hours' notice, and their expectation is that they will be sent to Peking.

Getting Scared Early.

(By the Associated Press.)

Chicago, Feb. 5.—Because of the possibility of a strike of the coal miners a number of wholesale coal dealers here today advanced the price of soft coal twenty-five cents per ton.

BE TRIED FOR MURDER

Well Known Asheville Citizen for Killing Negro

SENATORS HEAR HIM

Collected Judicial Opinions That the Gifting of Powers To a Commission Would Rob Courts of Their Rights and Act As a Confiscation of Property or Authority.

(By the Associated Press.)

Washington, Feb. 5.—Before the railroad rate debate began in the house today two bills were passed. One provided for setting aside town sites in the Flathead Indian reservation in Montana; the other authorized the further expenditure of \$60,000 for county improvements from the sale of town lots at Lawton, Indian Territory.

An hour to oppose the railroad rate bill was yielded to Mr. Littlefield (Me.).

A remedy for nine-tenths of rate evils, he said, now exists in all courts, both under present law and the common law.

Mr. Littlefield collected judicial decisions to support his contentions that in giving the commission all these powers the courts could have absolutely no power of review of any action of the commission, which might be just a shade under or less than confiscation of property.

A number of senators listened to Mr. Littlefield's argument, including Senators Foraker, Perkins, Millard, Keah, Bulkeley, Ransner, Piles, Scott, Gallinger and Allen.

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

The bill provided seven commissioners and made four a quorum, and it was possible for the president to remove three and leave all the power in the majority of the remaining four. It would be then that this dangerous power would rise up and curse its makers.

Mr. Stranahan (Minn.), following, said the huge and awful things predicted were not contained in the bill.

TAKEN TO BOTH FACTIONS.

(By the Associated Press.)

President Roosevelt seems to have his own mind about distributing North Carolina patronage. In appointing District Attorney Holton and Marshal Milliken to third terms President Roosevelt has disregarded the wishes of both State Chairman Rollins and Congressman Blackburn, the two contending republican leaders in the state. Congressman Blackburn it is well known, has been strenuously opposed to both these men, and State Chairman Rollins even conceded him that he should name the next marshal. The congressman selected L. C. Wagoner of Statesville, and the politicians thought this settled the matter. As to the district attorneyship the state agreed in desiring the retirement of Holton. But it seems that Holton had fortified himself at the White House by his active prosecution of the men in the government revenue service accused of fraud. An important trial is now in progress at Greensboro. President Roosevelt being apprised of the facts decided that the present district attorney should be upheld and awarded him another term. And this prosecution also caused Wagoner to lose the marshalship. Wagoner's brother-in-law was accused of violating the law in the conduct of a distillery. He did not go to trial and secure a vindication, but compromised the case. The president doubtless decided that the present marshal, who has actively assisted the district attorney, should continue in his office rather than give the place to one who had a relative threatened with prosecution. The appointments today were a distinct reverse for Congressman Blackburn after his victories last week in the naming of Grant and Frazier.

KILLED SWEETHEART AND SHOT HIMSELF

(By the Associated Press.)

Dayton, O., Feb. 5.—Because she wished to postpone her wedding day, set for Wednesday, Mrs. Eva Kennedy is dead with a bullet hole in her heart and Roy Mendenhall is at the hospital with two self-inflicted revolver wounds which will probably will cause death.

Mrs. Kennedy and Mendenhall had been engaged for some time. They frequently quarreled but always made up. Last night Mrs. Kennedy pleaded for a postponement of the wedding, which the couple had planned to take place Wednesday. Mendenhall objected. The argument led to a long, bitter quarrel. Early this morning, in disappointed, jealous rage, Mendenhall pressed a revolver to the woman's breast and ended her life. He then turned the weapon on himself, inflicting two probably fatal body wounds.

JURY OUT SINCE THURSDAY ACQUITS

(By the Associated Press.)

Wilmington, N. C., Feb. 5.—After deliberating since Thursday noon the jury in the Lamb murder case returned a verdict last night for acquittal. Public opinion is much divided as to the justice of the verdict.

WOMAN SOCIETY LEADER SUICIDES.

(By the Associated Press.)

St. Louis, Mo., Feb. 5.—Mrs. Lilyburn G. McNair, prominent in society and champion woman golf player of St. Louis, shot and killed herself today at her home, 4629 Berlin avenue.

STILL DEBATING THE RATE BILL

Mr. Littlefield of Maine Speaks Against It

SENATORS HEAR HIM

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HOLTON AND MILLIKEN LAND

Claudius Dockery's Name in at Last

COLLECTOR NOT NAMED

Question Who Will Succeed Harkins Is Still Open—Royal E. Cabell Postmaster at Richmond—S. Brown Allen, Marshall Western District of Virginia.

(By the Associated Press.)

Washington, Feb. 5.—The president today sent the following nominations to the senate: District Attorney, Alfred E. Holton, western district of North Carolina.

Marshals—James H. Milliken, western district of North Carolina; Claudius Dockery, eastern district of North Carolina; S. Brown Allen, western district of Virginia.

Royal E. Cabell, postmaster at Richmond, Va.; Hansford Anderson, postmaster at West Point, Va.

KNOCK OUT TO BOTH FACTIONS.

(By the Associated Press.)

Chicago, Feb. 5.—Chicago, with one of the finest postoffice buildings in the country, is utterly unable to handle its mail business. For the first time in four years the full force of nine hundred clerks in the mailing division was required to work yesterday to relieve the congestion that has clogged the machinery since February 1.

Although the clerks have been working from ten to twelve hours a day, hundreds of bags of mail are left undistributed each night. Important mail for business houses is hours late in being tied and sent out, and complaints about the inadequate service have been piling up in Postmaster Busse's room for several days.

Pneumatic tubes in the new post office which cost \$120,000 to install are practically useless because there are not enough clerks to take the mail promptly to them, and they are idle much of the time. Machinery in the new building which cost \$200,000 is also proving more of a hindrance than a benefit because it requires quite a number of clerks to operate it, and that number has been taken from the regular force, which was inadequate before.

While the government officials at Washington are aware of the conditions they have said that Chicago cannot expect relief before July first, when next year's appropriation becomes available.

Tomorrow Postmaster Busse will leave for Washington to make one more appeal for more help. Ten days ago he was told by first assistant Postmaster General Hitchcock that Chicago would have to get along as best it could because the last congress had enacted a law making the heads of departments criminally liable if they exceeded their appropriations, and there was no money to give to this city.

JOINT INDICTMENTS

Dr. Chiles, James Franklin and Dr. Chiles

(By the Associated Press.)

Norfolk, Va., Feb. 5.—The grand jury here today returned joint indictments for second degree murder against Dr. Luther R. Chiles and James Franklin in connection with the case of Miss Sarah Atkinson, whose death followed a criminal operation alleged to have been performed by Dr. Chiles. Dr. Chiles had previously been indicted for murder, but Franklin had not.

The grand jury today also returned a true bill of indictment against Dr. Francis M. Morgan of Berkeley, charged with having performed a criminal operation on Mrs. Josephine Hall-Davis of Norfolk. All three cases will be tried at this term of court, but the dates for the trials were not fixed today.

A HEAVY SNOW FALL IN OHIO.

(By the Associated Press.)

Cleveland, O., Feb. 5.—Snow has been falling throughout northern Ohio for more than twenty-four hours, with the result that traffic on many of the steam and electric roads will be seriously delayed today. The six to eight inches of snow on the level have fallen along the lake shore. The accompanying high wind has caused much drifting. According to the weather bureau reports, the temperature will again fall to near the zero mark by tonight.

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CHICAGO CAN'T HANDLE MAIL

Nine Hundred Clerks Worked Sunday

MACHINERY NO HELP

Pneumatic Tubes that Cost \$120,000 Useless for Lack of Clerks—Machinery that Cost \$200,000 More of Hindrance Than Benefit for Same Reason.

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RAILROAD FIGHT BEGUN

Suffolk and Carolina Cannot Pass Roper

AS TO ALLEGED RAILWAY MERGER

Report of Commission Goes to House

(By the Associated Press.)

Washington, Feb. 5.—President Roosevelt today transmitted to the house the following report submitted to him by the interstate commerce commission in response to a resolution regarding the alleged combination of the Pennsylvania Railroad Company and certain other roads named therein, in violation of the anti-trust law.

"Interstate Commerce Commission, Washington, Feb. 2, 1906.

"The President. The interstate commerce commission has the honor to submit the following in response to your request of January 29, enclosing a resolution adopted that day by the house of representatives, which reads as follows:

"Resolved that the president of the United States be, and he is hereby, requested if not incompatible with the public interests, to report to the house of representatives, for its information, all the facts within the knowledge of the interstate commerce commission which shows or tends to show that there exists at this time, or heretofore, within the last twelve months has existed, a combination or arrangement between the Pennsylvania Railroad Company, the Pennsylvania Company, the Norfolk & Western Railway Company, the Baltimore & Ohio Railroad Company, the Philadelphia, Baltimore & Washington Railroad Company, the Northern Central Railroad Company, and the Chesapeake & Ohio Railway Company, or any two or more of said railroad companies, in violation of the act passed July 2, eighteen hundred and ninety, and entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' or acts amendatory thereof.

The only definite fact known to the commission, believed to have bearing upon the subject-matter of the resolution, are those appearing in the annual reports filed by the companies named in compliance with section 20 of the act to regulate the same facts or some of them have been disclosed from time to time in proceedings before the commission.

From the latest of these reports covering the year ending June 30, 1905, the following figures and other data have been compiled:

"The Pennsylvania Railroad Company has an authorized capital stock of \$400,000,000, of which \$302,513,300 has been issued and is now outstanding. This company appears to control, and is understood to control, all the lines embraced in the Pennsylvania system so-called, having an aggregate mileage of 10,999.86 miles and gross earnings for the year named of \$238,172,528. The term Pennsylvania System as here used includes the line of the Pennsylvania Railroad Company, the Pennsylvania Company, the Philadelphia, Baltimore and Washington Railroad Company, and the Northern Central Railway Company, but does not include the Baltimore and Ohio Railroad Company, the Norfolk and Western Railway Company, or the Chesapeake and Ohio Railway Company.

"The Pennsylvania Railway Company, which controls all the lines of the Pennsylvania system west of Pittsburgh and Erie, has an authorized capital stock of \$80,000,000, of which \$40,000,000 has been issued. All this issued stock is owned by the Pennsylvania Railroad Company.

"The Philadelphia, Baltimore & Washington Railroad Company has an authorized capital stock of \$25,350,450, of which \$23,092,550 has been issued and is now outstanding. Of this issued stock the Pennsylvania Railroad Company owns \$23,490,775.

"The Northern Central Railway Company has an authorized capital stock of \$20,000,000, of which \$17,193,400 has been issued and is now outstanding. Of this issued stock the Pennsylvania Railroad Company owns \$6,401,950.

"The Baltimore & Ohio Railroad Company has an authorized capital of \$60,000,000 of preferred stock and \$125,000,000 of common stock, of which \$50,000,000 of preferred and \$124,275,000 of common have been issued and are now outstanding. Of this issued stock the Pennsylvania Railroad Company owns \$21,480,000 of preferred and \$30,290,000 of common; the Pennsylvania Company owns \$6,000,000 of the preferred and \$11,044,600 of common; the Northern Central Railway Company owns \$1,000,000 of preferred and \$881,500 of common; the Chesapeake and Ohio Railway Company owns \$2,480,000 of preferred and \$3,290,000 of common.

FIERCE BLAZE AT ASBURY PARK.

(By the Associated Press.)

Asbury Park, N. J., Feb. 5.—The Hotel Astoria was partly burned and several well known buildings near the beach were entirely destroyed by fire today with a loss of about \$50,000.

TWELVE AT LEAST KILLED BY BOMB

(By the Associated Press.)

Dublin, Feb. 5.—The Lokal Anzeiger today printed a dispatch from Kattowitz, Prussian Silesia, stating that a private house at Silla, across the Russian frontier, has been destroyed by the explosion of a bomb. The bodies of twelve persons can be seen in the ruins and it is believed that many others were killed.

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AS TO ALLEGED RAILWAY MERGER

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TRANSMITTED TODAY

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