THE MINNEAPOLIS JOURNAL.

PRICE TWO CENTS. TUESDAY EVENING, FEBRUARY 12, 1901. 12 PAGES—FIVE O'CLOCK.

MINNESOTA HISTORICAL SOCIETY

PREVENTS AN EXTRA SESSION

Chairman Payne's Vote on Tax Reduction Bill.

HE SAVES THE MEASURE

House Refusal to Confer Would Have Killed the Bill.

NO CABINET PLACE FOR MERRIAM

Hitchcock Will Not Step Out—Minnesota Congressmen Favor At-Large Plan.

From The Journal Bureau, Room 45, Post Building, Washington.

Washington, Feb. 12.—The vote of Chairman Payne of the ways and means committee last Friday, when the committee was deciding what to do with the senate substitute for the house war revenue reduction bill, probably prevented an extra session of congress to consider revenue reduction; for it is as certain as anything can be that if the war revenue bill were to fail, the president would feel impelled to call congress together without reference to Cuba or the Philippines. The history of Chairman Payne's vote forms an interesting story.

Under the constitution, the house originates all revenue legislation, and so at the beginning of this session it formulated a bill to reduce the revenue made necessary by the Spanish war. The bill was promptly reported to the house, passed and sent over to he senate, which, after several weeks of deliberation, reported, not the house bill with various amendments, but an entirely new bill, carrying very few of the house features. There was a high old time on the house side when it was learned what the senate had done. The claim was made that the senate had violated the constitution by substituting a brand new bill for the house bill, and straightway the republican leaders expressed themselves as favoring action which would strongly assert the dignity of the house and teach the senate a lesson. Incidentally, such a program would have meant the adjournment of congress without any war revenue legislation, for the house leaders had proposed terms which the senate never could have accepted.

The whole matter came up in the ways and means committee on Friday. Early in the morning the republican members of the committee met, and after some debate, decided that they would report the senate bill back to the house with the recommendation that the house do not concur. The important feature of the report was to be a failure of the house to ask for a committee on conference. This would have violated the traditional proprieties, for in all cases of disagreement between the two houses the house disagreeing asks for a conference with the other house and names a conference committee. The action proposed in this case would have been resented by the senate, which would not have felt like asking for a conference, and so the bill would have died.

Well, after the program had all been fixed up by the republican members of the ways and means committee, the democrats were called in and a formal meeting of the committee was opened. One of the republicans made a motion carrying out the caucus agreement, that the bill be reported to the house with the recommendation that that body disagree with the senate, but saying nothing about a conference. Mr. Richardson of Tennessee, minority leader, amended the motion by adding a clause providing for a conference, which raised the issue squarely in committee, and the roll was called.

When the name of Representative Babcock was reached, he asked to be excused from voting, since as a new member of the committee, he thought he ought not to participate in an important matter like that under discussion. He was excused. All the names save of Chairman Payne had been called, and the vote was a tie. Payne's vote was to decide the question and the other republicans confidently expected that he would vote against asking for a conference. But, strangely enough, Payne voted with the minority, and so the bill was reported back to the house with the request that a conference with the senate be held.

Explaining his position, Mr. Payne said that the republican party, as a national organization, was looked to by the country to reduce the war taxes, and that no matter what the differences between the house and the senate over procedure and tchnicalities, the country would hold the party responsible if congress were to adjourn without action. The country knew nothing about the differences between the two houses and cared nothing about them; what it wanted was relief from oppressive and inconvenient taxation, and this it had insisted on having. Mr. Payne was satisfied that to vote with the other republicans of the ways and means committee would kill all revenue legislation for this session, and for one he did not care to be held responsible for what might happen as a result in the country at large.

In taking this position the chairman of the committee was on high ground, but this has not prevented his being sharply criticized right and left by his republican colleagues on the committee and by other republicans also. If it is the desire of congress to provide for revenue reduction, Chairman Payne's vote was right, notwithstanding it was cast with the democrats; if the petty squabbles between the two houses are of more importance than such legislation, the chairman was wrong.

It is understood that the members of the Minnesota congressional delegation personally favor two congressmen at large; but in view of the sentiment existing in the state in favor of redistricting, have made no efforts to impress their views upon the legislature. When spoken to by the newspaper men, the members all say the same thing, namely, that they don't care what the legislature does so long as it provides for nine republican members of congress. In the main the plan outlined in the map in The Journal last week is believed to be a good one.

It is not believed that there is anything in the report that Secretary Hitchcock of the interior department is to step down and out of the McKinley cabinet on March 4. Mr. Hitchcock has been offered a second term, and, according to a prominent republican senator who has personal knowledge of the circumstances, has accepted, which closes the matter definitely.

It is said that the recent rumor that Hitchcock was to step out and that W. R. Merriam was to succeed him had its origin in the well known fact that the secretary is personally very unpopular with republican members of both houses. His unpopularity is more marked than that of any cabinet officer for many years. Hitchcock appears to have gone into office with the preconceived idea that he had a lot of good things to give out, and that the majority of the men who were after them were unprincipled and dishonestly seeking to impose upon him. Accordingly, he has assumed an offensive attitude in his contact with senators and representatives, cross questioning them sharply and in other ways giving the impression that he is suspicious of them. Many republican members of both houses have scratched the interior department off their visiting list, and haven't been near Hitchcock for months, and they will not go until he puts on a more gracious air.

But while these things are true, it is well known that the secretary's standing at the White House has not been affected in the least. And, as already stated, Hitchcock, according to a man who knows all about it, has already accepted the president's invitation to remain during the second term.

It may be said, however, that if there were a change, the position might be offered to Mr. Merriam, who stands well at the White House and with Senator Hanna. But this fact is not news in the northwest.

All the expenses incident to the burial of Senator Davis were paid from the contingent fund of the senate. They aggregated $3,500. Compared with the other funerals of officials, this is a small bill. Senator Hearst's funeral cost about six times as much. Sergeant-at-Arms Ransdell personally had charge of the Davis ceremonies and he watched the bills closely.

The case of the florist, who furnished the senatorial floral token, is in point. While Colonel Ransdell was in St. Paul the florist presented a bill for $250. Col. Ransdell told him that such a piece could be purchased in Washington for $50 even for a senatorial funeral. That item is still in dispute, only a part of the bill having been paid.

The bill of the undertaker was $500. This included twenty carriages for the relatives and friends.

The congressional committee designated to attend the funeral was taken to St. Paul in two special Pullman cars. Full railroad fare was paid.

Both houses have passed and the president will sign a bill which is designed to do justice to the volunters who were in the Philippines and re-enlisted when the temporary army was raised. It will be recalled that these men were paid a bonus equal to the amount of travel pay due them, as an inducement to enlist in the provisional army. Under the law they are entitled only to travel pay to the place of re-enlistment, which in their case was Manila, and nothing could be paid them to enable them to travel from San Francisco to their homes in the United States. The bill just passed authorizes the secretary of war to pay them 4 cents a mile for the distance from San Francisco to their homes. Quite a number of Minnesota and North and South Dakota men re-enlisted in the Philippines and will now get this travel pay.

—W. W. Jermane.

Washington Small Talk.

Postmasters appointed to-day: Minnesota—Gladstone, Ramsey county, Jacob Faust. Iowa—Leonard, Taylor county, S. B. Thompson; Nichols, Muscatine county, J. E. Hesser.

William Budge of Grand Forks, chairman of the North Dakota republican executive committee, and his wife, reached Washington to-day. Mr. Budge will testify on grain traffic, before the industrial commission, later in the week.

The controller of the curency has authorized the First National Bank, of Gowrie, Iowa, formerly the Webster County State Bank, to begin business with a capital of $25,000. The office of president has not been filled. N. A. Lindquist is the cashier.

An additional rural free delivery route has been ordered established at Dallas Center, Dallas county, Iowa, with Otho Sisler as carrier. An additional route has also been ordered established at Salem, Henry county, Iowa, with Frank Randolph as carrier.

Representatives Gamble and Burke called upon the president to-day. They recalled to the presidents' attention the $150,000 payment to the Sisseton Indians, and they were again assured that it would soon be disposed of. They also talked about army appointments. No new information was obtained. They will make their recommendations in a few days. The South Dakota members then went to the land office and recommended the appointment of E. H. VanAntwerp, of Yankton, as an examiner of surveys. At the census offices, they recommended that Miss Maude D. Dunning, of Sioux Falls, a temporary clerk, be given a permanent place. They have also recommended Tyler S. Overpack for appointment as clerk in the Rapid City land office, and T. E. Carpenter, of Beloit, for promotion in the railway mail service.

DE WET IN THE CAPE

He Is Going in the Direction of Philipstown.

BRITISH FEELING IS CONFIDENT

But the Boers Say They Have No Idea of Giving Up the Fight.

London, Feb. 12.—A special dispatch from Pretoria says that General De Wet crossed the Orange river north of Norvalspont, Sunday night going in the direction of Philipstown. The British are following.

WHEN DE WET CROSSES

Jan Krige Says That Is the Boer's Problem.

New York Sun Special Service

Chicago, Feb. 12.—Jan Krige, General Botha's commandant of field police, who escaped from Lourenzo Marquez three months ago on a German ship and came to America, is in Chicago. In reviewing the recent war news he said:

The big problem now for the Boers is how to cross the Orange river. If General DeWet can cross this stream with 2,000 troops he will have 5,000 by the time he is within 100 miles of Cape Town. The addition of 30,000 men to the English army will have absolutely no effect, except to furnish our troops ammunition and supplies.

King Edward VII. has a great opportunity. He should remove Chamberlain and the Rhodes ring, who started this war and who will keep it going. It killed the queen, and if continued, will kill the empire.

IN THE LAST DITCH

London Feels That the Boers Are All But Defeated.

London, Feb. 12.—A very curious sentiment is prevailing in London over the conditions in South Africa. It is one of supreme hopefulness. There is absolutely no doubt but news has reached here from German sources showing the Boers are pretty well at their last stand. The continual and harrassing development of Kitchener's well laid plans leaves them in a well nigh hopeless condition.

No Peace Policy.

Cape Town, Feb. 12.—Joseph Chamberlain, secretary of state for the colonies, has addressed a communication to Sir Alfred Milner. The government has no intention, says the colonial secretary, of changing the policy which it has repeatedly declared and which has been approved overwhelmingly by the empire.

Boers Getting Tired.

Williston, Cape Colony, Feb. 12.—The Dutch here says the Boers have decided, of Christian De Wet's incursion into Cape Colony is not successful, that they will treat with a view ot surrender, being tired of the war.

MAY FORCE OUT NOYES

Result of McKenzie Case Decision.

AUTHORITIES MAY ACT

Charge Was Willingness to Sell Decisions for Money.

M'KENZIE MUST SERVE SENTENCE

He Selects the Alameda County Jail for His Year of Imprisonment.

New York Sun Special Service

San Francisco, Feb. 12.—In the decision of Justices Morrow, Gilbert and Ross, sitting in banc in the contempt case of Alexander McKenzie, receiver of the Nome mines, McKenzie is held guilty on two counts and is sentenced to imprisonment in the county jail for one year. Judge Noyes of Alaska is scathingly denounced.

No appeal is possible, forcing the federal authorities to remove Noyes.

Judge Noyes was charged with having been ready to sell a decision favoring any litigant in cases before him for a sum of money.

McKENZIE IN CUSTODY

He Requests That He Be Allowed to Serve in Alameda Jail.

San Francisco, Feb. 12.—Judge Geary, Alexander McKenzie's attorney, has not decided whether he will appeal from the decision of the United States court sentencing McKenzie to one year in jail. Judge Geary requested the judges to allow McKenzie to go to the Alameda county jail instead of the local institution, and permission was granted. He was immediately taken into custody by Marshal Chinn.

The decision was rendered by Judges Ross, Gilbert and Morrow in the cases of John Tornanzes vs. L. F. Melsing et al., and Wm. A. Kjalleman vs. Henry Rodgers. These are two of the cases in which McKenzie declined to obey the writ of supersedeas issued by Judge Morrow, directing him as receiver to turn over money and gold dust in his possession to the owner.

Mr. McKenzie claimed he was not guilty of contempt because all the papers and orders issued by Judge Morrow had not been filed in the district court at Nome at the time he was accused of disobeying the writs.

His attorney, ex-Congressman Geary, urged that the United States circuit court of appeals did not secure jurisdiction until the original orders were filed.

Another important contention of McKenzie was that he acted on the advice of his attorney in disobeying the writ. Mr. Gear, told him the order was void.

In the opinion read by Judge Ross the court held that the filing of citation in the district court at Nome was sufficient to give the court of appeals jurisdiction, but in proper cases may be considered in mitigation of the offense.

Grossly Illegal Proceedings.

At this point in the decision the court refers to the acts of Judge Noyes and the manner in which affairs were conducted at Nome. It says:

"The circumstances attending the appointment of a receiver in these cases, however, and his conduct after as well as before the appointment, as shown by the record and evidence, so far from impressing us with the sincerity of the pretension that his refusal to obey the writs issued out of this court was based upon the advice of his counsel, that they were void, satisfy us that it was intentional and deliberate, and in furtherance of the high-handed and grossly illegal proceedings initiated almost as soon as Judge Noyes and McKenzie had set foot on Alaskan territory at Nome, and which may be safely and fortunately said to have no parallel in the jurisprudence of this country.

"It speaks well for the good, sober sense of the people gathered on that remote and barren shore that they depended solely upon the courts for the correction of wrongs against them, which always may be depended on to right, sooner or later, wrongs properly brought before them. And it is well in these days of the rapid extension of our national domain for all persons, whether residing in remote regions or near home, to remember that courts which respect themselves and have adequate regard for the administration of justice and the maintenance of law and order, will never tolerate any disobedience of their lawful orders or writs of judgments, wherever commissioned within their jurisdiction.

"'It is inheriting the nature of judicial authority,' said the supreme court of Florida, in the case of the state against Johnson, supra, 'that every court may protect and maintain itself against all attempts to resist or thwart or overthrow its authority.'"

MUST FILE CHARGES

Judge Noyes' Friends Say Otherwise There Will Be no Action.

Special to The Journal.

Washington, Feb. 12.—Attorney General Griggs is not in Washington to-day, and, therefore, nobody can tell definitely whether he will be influenced by the decision of the San Francisco court in the McKenzie case.

Judge Noyes' friends here insist that the McKenzie sentence will have no effect upon the status of Judge Noyes before the department of justice and that the attorney general will still insist upon having formal charges filed against Mr. Noyes before proceeding to an investigation.

It is claimed here that the contempt proceedings against McKenzie did not touch the newspaper charges against either Noyes or McKenzie or go to the merits of the main case in any way. It was simply a proceeding against McKenzie for disobeying an order of the San Francisco court, and that was all. This being true, the fact that McKenzie has been found guilty does not in any sense determine any questions relating to the manner in which he secured his Nome receiverships or administered them, and the San Francisco judge yesterday, in passing sentence for contempt, went out of his way to administer gratuitously a "roast" on Judge Noyes.

McKenzie's Washington friends do not know whether McKenzie will serve his full term of a year or be released before then on payment of a heavy fine in lieu of imprisonment. They had no word from San Francisco and decline to express any opinion.

Should McKenzie serve his full sentence, however, it is clear that a great injustice will be done him, and the company he represents, which has invested several hundred thousand dollars in mining properties at Nome, regarding the title of which no question ever has been raised. McKenzie is president and general manager of this company and his being in jail may be taken advantage of by his enemies to jump his claims at Nome, or at least to tie them up for the whole of the coming season. It is also possible that attempts may be made to call the McKenzie company's titles to these claims in question during the imprisonment and annoy the owners in other ways that would be impossible were McKenzie at liberty.

It should be said, in fairness to all concerned, that the one-year sentence was not a surprise to McKenzie's Washington friends, who have recognized from the beginning that McKenzie, when the supreme court of the United States declared that the San Francisco court of appeals had jurisdiction to try the contempt proceedings, was at one fell swoop handed over to his enemies. It is claimed that the San Francisco court never has been favorably inclined towards this litigation or in a position where it was posible for it to handle it without prejudice.

Representative Lacey of Iowa, who has championed the anti-Noyes and McKenzie side of the case from the beginning of the controversy, said to-day:

The president has had the case before him for about two months. Yesterday's decision will, in my opinion, cause some action to be taken. The decision is official; it is a part of the court record, and the judges' utterance relative to Judge Noyes will have great weight. It is not rumor nor hearsay, but something on which the president can act. A copy of the decision is now on its way here and will be laid before the attorney general for his information and construction.

The parts of the decision quoted in eastern papers lead me to believe that the court regretted that it was not dealing with Judge Noyes. He could not proceed against a court, however, but only against the individual, McKenzie. He was free to express himself, however, as to his view of the action of the lower court, and he appears to have done so. —W. W. Jermane.

Astonished and Indignant.

Special to The Journal.

Fargo, N. D., Feb. 12.—The many friends of Alex McKenzie were astonished yesterday to learn that the Alaskan receivership troubles had not been amicably adjusted and that he had been sentenced to a year's imprisonment for contempt of court. There was much indignation expressed here. Those who know him best expect the wily Scotchman to get out of the scrape somehow. The fact that he is the national republican committeeman from this state and the recognized leader of the party in North Dakota makes the matter of much political import.

VALENTINE'S DAY IN THE ORIENT.

"I KILLED HIM," SAID HAMILTON

Officer Thomas J. Rooney's Sensational and Thrilling Story of Hamilton's Frank Confession the Night of the Murder.

Hamilton said: "I will go with you. Let the law take its course. I'll take the consequences. I killed him, but I did it in self-defense."

—From Officer Rooney's Statement.

The Most Dramatic Moment of the Trial---Rooney's Narrative Listened to by a Spell-Bound Audience.

At the Theatrical Climax the State Rests---With Rooney's Words Ringing in the Jury's Ears.

There was a chapter of sensations in the Hamilton trial this morning. First among them was the most dramatic incident of the trial, the testimony of Thomas J. Rooney, the ex-patrolman who took Hamilton into custody after the stabbing. His story did not come as a surprise.

Every one in the courtroom was prepared to hear it.

It was the strong card to which the state's attorney had alludede in his opening address.

He had then said: "We will show you more—that Hamilton confessed to an officer; said he did it in self defense and

RAY EVANS, WITNESS.

was prepared to take the consequences."

This is what Rooney testified that Hamilton said to him when the officer laid his hand on the defendant's shoulder:

> Officer, I will go with you; I am prepared to take the consequences. Let the law take its course. I killed him, but I did it in self defense.

The Spectators Shuddered.

As the former policeman spoke these words on which the state expects to condemn the prisoner before the bar of justice, a low murmur—almost a shudder—swept through that crowded courtroom. It was a wave of sympathy for the young man whose life or liberty may hang on the ability of his counsel to disprove or set at naught such damning evidence.

Hamilton himself was imperturbable. Rooney's cold-blooded declaration had no more apparent effect on him than the most innocent remark that has bene passed in this trial. Without changing color, he listened attentively to all that the state's ratstiwenss had to say and did not betray by so much as the movement of a muscle any inward emotion which might have been struggling for expression.

Rooney Was Well Trained.

Apparently Rooney had drilled himself well for the part he was to play in the legal drama. He must have gone over his lines in many a rehearsal since the eventful night. This is not to say that he was not telling the truth, but rather that he was probably anxious not to become confused and twisted on the stand, and so had carefully learned his story word by word. That was the way it sounded when he told his sensational story on the direct examination—as if he had learned it by rote and was reciting it to the court and the jury just as he had many times recited it to himself. Those damning sentences which he swore that Hamilton let fall when arrested he repeated with a monotonous, meaningless inflection. That was what made the defense ask the witness on cross-examination if he had not learned his story.

RICHARD LE GALLIENNE, SPECTATOR.

Rooney frankly admitted that he had done so.

All Rooney's Words Counted

Rooney wasted no words. It was a plain statement made up for the occasion. He was no more affected by what he had to say than he would have been in giving evidence to convict a "plain drunk" in the police court.

There was little left for him to say in the cross-examination other than the further damaging statement that Hamilton admitted having had a large knife, in addition to the small pearl-handled affair which he usually carried. Hamilton had volunteered everything he had said in his confession. Witness had no desire to question him until they reached police headquarters. Unasked, Hamilton had told him the whole story and had claimed self-defense.

The Confession Was Voluntary.

"I had to do it," Hamilton explained, calling the officer's attention to a large bump on his forehead. He struck me first."

"I should think a big, strong fellow like you would be able to handle a little slim fellow like Day without using a knife," Rooney replied. To this he says Hamilton responded:

"I would have been able to, if all his friends had not jumped onto me."

Rooney had noticed the bump on Hamilton's forehead. There was also an abrasion of the skin at that place.

One could have heard a pin drop during all this, such a solemn hush had stolen over the assemblage in its anxiety to catch each word pronounced by Rooney. The situation was tense.

A Terrible Silence.

The stillness was broken now and then by a gasp—it might have bee na sob—from some one in the crowd, unable longer to restrain it in that breathless suspense.

Then Rooney went on again in his clear, steady voice. The judge himself yielded to the spell and twisted half round in his chair to give the witness his closest attention. The jurors who have not hitherto seemed particularly impressed by any statements from the witness stand, were now all attention. They bent forward in their seats and with clasped hands drank in eagerly every syllable that escaped the witness' lips.

Rooney told at first of having been summoned to the West Hotel, having been informed of a "cutting affray" in the billiard-room. He found a man dead on the billiard table. Hamilton was sitting on a

A STUDY OF MISS SLAGLE.

chair beside O'Malley, the night watchman. O'Malley said:

"Officer, take this man and lock him up. He did it."

"Did what?" asked Rooney.

"He Killed This Man."

"He killed this man," pointing to the lifeless form on the table.

"Then," continued Rooney, "I said: 'Come on,' and gave Hamilton a stout lift."

Hamilton, he went on to say, had then confessed.

"This is horrible," he was quoted as having said; "I wish it had been the other way."

Hamilton had asked two men who yet lingered in the room if they did not see Day assault him first. They had said, "No."

Some one—Rooney knew not who—had told him not to be in a hurry, before he took charge of Hamilton.

A Repulsive Passage.

Later, after getting his hat, Hamilton had again volunteered: "I'll tell you all about it." The defendant had then told of the trouble between himself and Day

JOSEPH MANNIX.

over Miss Slagle—without mentioning her name. There was no hint of delicacy in the officer's handling of the unspeakable subject covered in Hamilton's reported "hypothetical threat" to the woman in the case. He was brutally and unprintably frank in repeating Hamilton's words. The officer's words at this juncture must have been a positive shock to the refined women who sat up front. They sat like statues while Rooney repeated the words.

"He told me," continued Rooney, "that the woman"—the witness did not mention her name—"had repeated his statement to Day, and that Day was sore and had been looking for him ever since."

The Cross-Examination.

On cross-examination Rooney could not remember that Hamilton had staggered from side to side in the walk to the station in the early morning "like an intoxicated man." He believed Hamilton was intoxicated, but could only remember that his gait was unsteady at the street crossings when he stepped off the curb.

Later, when Charles R. Francis, city editor of the the Times, visited Hamilton and admonished him to silence, he asked

You Know WASHINGTON IRVING 10c Cigars JOHN DREW 5c Cigars YOU Know

Defective Page