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RAGING VESUVIUS CONTINUES WORK OF DESTRUCTION; HUNDREDS DEAD; THOUSANDS HOMELESS; \$20,000,000 LOSS

BAILEY FIRES BATTERY IN RATE BILL DEBATE

CONGRESS LIMITS POWER OF COURTS

Senator Bailey Defines Jurisdiction of Inferior Tribunals in Rate Debate.

SPEECH IS STRONG PLEA FOR AMENDMENT TO BILL

Argument Brizes with Legal Opinions Supporting Conception of Brilliant Speaker.

By W. W. Jernam.

Washington, April 11.—Senator Spooner met his match in the senate yesterday when Mr. Bailey of Texas, devoted several hours to replying to the Spooner attack on the amendment proposed by Bailey to the rate bill. No member of either house of congress has been given such attention during the progress of a formal speech for years as was given Mr. Bailey. The members remained in their seats during the whole of the address. The galleries were crowded to the doors; every seat in the executive gallery was taken, and all but two or three in the diplomatic gallery. At the conclusion of his address, Mr. Bailey was congratulated by his colleagues on the democratic side of the chamber, a few republicans joining in the ovation, and for once the vice president did not feel justified in enforcing the rule prohibiting applause.

Senator Knox was among these republicans who came forward to congratulate the Texas senator. Senator Spooner, however, when the address was over, buried himself behind a big newspaper and remained there until business had been resumed. Senator Beveridge, who had a personal altercation with Senator Bailey on the senate floor several years ago, an altercation in which Bailey was to blame in that he permitted his fiery temper to get the better of his judgment, and the senate floor was not on the ground before to satisfy the country of Bailey's right to rank as one of the great forces of the senate, this address has supplied it.

Cities Many Court Decisions.

It was purely a legal argument and his statements were one after another backed up by decisions of the supreme court, of the lower courts and of the great legal authorities. The speech was admittedly a reply to the Spooner and Knox speeches of a short time ago, which were made chiefly for the purpose of trying to show that the Texas gentleman did not know what he was talking about when he proposed to amend the rate bill by providing that the inferior federal courts should not issue preliminary injunctions against decisions of the interstate commerce commission.

Toward the close of the address, Senator Hale of Maine arose to ask a question, and it is believed that he spoke the views of a large majority of the senate when he said in leading up to the question, that he had no doubt in his own mind that Senator Bailey was entirely correct in his contentions and that congress might, at will, limit the power of the inferior courts, these courts being created, not by the constitution, but by congressional enactment. This referred to that portion of Mr. Bailey's speech when he said:

90 Men as Against 9.
"This is the first government that ever conferred upon the judiciary the power to annul legislation. God knows that that ought to be enough power to confer upon any nine men; we are ninety, they are nine. I would hold myself unworthy if I permitted them to encroach upon mine."

He declared that both Mr. Knox and Mr. Spooner had misconceived the theory under which congress establishes the inferior courts, saying that if so disposed congress could today disestablish every one of the inferior courts. He did not agree with Mr. Spooner that such a course would be wrong, but he said the state courts would be left. Congress might, he argued, declare war against every nation of the globe, and while there was no doubt that the people would scourge the congress that would do so, still there was no doubt of the congressional power. So it was with the right of congress regarding the courts.

Power of Congress.

"The power to create and the power to destroy must include the power to limit. The senator from South Carolina has been pressing this point, as a cornfield lawyer, he said, and the constitutional lawyers have never yet been able satisfactorily to answer his contention."

In support of the plea that the legislative authority is not curtailed, he called attention to the fact that with reference to the inferior courts, no limitation is put upon congress as to their number, their jurisdiction or their power.

Mr. Hale suggested that congress must have the same power in the abolition of inferior courts that it has in creating them. He said:

"I believe that the power to create and destroy rests wholly with congress."

He had not, however, enjoyed what the senator said regarding the arraying of the ninety men here against the nine men of the supreme court.

Mr. Bailey explained that he had



JOSEPH W. BAILEY, Texas Senator Who Opened Debate on the Rate Bill.

RUNS CAR ON THO TWO FALL DYING

Motorman Does Not Try to Stop After Running Car Thru Throng.

Chicago, April 11.—Four persons were injured, two of them fatally, when P. J. Daley, motorman on an Indiana avenue car ran into a throng of pedestrians, who were trying to cross Wabash avenue at Adams street today. W. P. Kelly, conductor for the Pullman company, and D. E. Tamagno, an electrician were so badly hurt that there is no chance of recovery.

WANTS WOLFER AS WARDEN IN JOLIET

Illinois Is After Services of the Warden of Minnesota State Prison.

Special to The Journal.
Springfield, Ill., April 11.—Henry Wolfer, warden of the Minnesota state prison at Stillwater, has been offered the position of warden of the Illinois penitentiary at Joliet. Negotiations are in progress now, and it is understood here that Governor Deneen expects to secure the services of the Minnesota man, who has the reputation of being one of the ablest penologists and most efficient wardens in the country.

The management of the Joliet prison has received considerable criticism of late, and with a man of Wolfer's stamp it is hoped to put the institution on a better basis.

The warden at Joliet receives \$4,000 a year, with all expenses provided, including a furnished house. A larger salary is said to be named in the offer to Mr. Wolfer.

Warden Wolfer was at the capitol today and conferred at length with the members of the board of control. He was asked by The Journal to confirm the facts in the Springfield dispatch, but refused to discuss it.

BIG KNIFE BANDS PILLAGE VILLAGES

Reign of Terror in Southern Honan Caused by Boxer Uprising.

Peking, April 11.—Disturbances in the southern part of Honan province and in western Shantung, caused by the big-knife society, a relic of Boxerism, are reported. They are nominally caused by hostility to the new educational scheme, and the Catholics bully and take the form of the pillaging of towns by bandits.

In Honan the latter are said to number 12,000 and carry banners inscribed with the words: "Down with the Manchu Dynasty."

Many towns are rebuilding their ancient walls for protection against the bandits. The scene of the disturbances in Honan is close to the Hankow Peking railway, and travelers over that line can hear rifle firing.

Troops have been sent from Hankow to the disturbed districts, and it is expected that they will suppress the bandits.

DOWIE PROMISES TO DOWN ENEMIES

Shorn Leader Says Usurpers Must Sue for Pardon on Bended Knees.

With Law as Weapon "Apostle" Is Determined to Regain Control.

Journal Special Service.
Chicago, April 11.—Determined to regain every vestige of the control of which he was stripped during his absence, John Alexander Dowie, deposed "First Apostle" of the Christian Catholic church, is plotting carefully for his campaign.

That it was at first announced that the impetuous leader would make his onslaught immediately, his counselors have dissuaded him and it probably will be several days before he makes a definite move.

Nearly every hour since the shorn "prophet" and his forces, the first apostle announced, must bend their knees, wholly renounce the Zion throne which they have usurped and humbly sue for pardon.

Yet Dowie, the thunder, will move peacefully and orderly against the ramparts of the adversary. The courts will be his only weapon with which he will seek to overthrow the new dynasty and again become undisputed monarch of all Zion.

At the close of the deliberations it was announced that unconditional surrender was the only basis on which the rebellious forces of Zion would be met. Volva, said his forces, the first apostle announced, must bend their knees, wholly renounce the Zion throne which they have usurped and humbly sue for pardon.

The scrutiny of papers and other legal instruments in connection with the proposed suit occupied more than ten hours. Emil C. Wetten, who was retained as legal adviser early in the day, was with the deposed ruler much of this time, and he was acquainted with the evidence which will be used against Volva.

The first suit will be a civil proceeding to set aside the transfer of the property to Deacon Graeger, who afterwards transferred it to Overseer Volva.

TRAIN SPEED BALKS AN ATTEMPT TO WRECK

Pittsburg, Kan., April 11.—An unsuccessful attempt to wreck the south-bound St. Louis and San Francisco passenger train known as the Meteor, was made last night between Tarkenton and Seaman, dynamite having been placed on the track. Three feet of track was torn out, but the fact that the train was running nearly sixty miles an hour carried it safely over the break.

TONS OF SEED FOR FARMERS.
Stephenson, Mich., 11.—One hundred thousand pounds of seed are being packed at the plant of the Memoline Sugar company preparatory to being shipped to farmers who are contracting to furnish the manufactory with beet next fall.

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ALBERT J. BEVERIDGE, Indiana Senator Who Urges Conservative Progression of Republican Party.

PLEADS FOR SANE REPUBLICAN MARCH

Beveridge in Indiana Convention Urges Progressiveness in Conservative Way.

Indianapolis, April 11.—The republican state convention assembled today at Tomlinson hall to nominate state officers, with the exception of candidates for governor, lieutenant governor and reporter of the supreme court.

James P. Goodrich, chairman of the state committee, called the convention to order and introduced Congressman A. L. Brick as temporary chairman. Mr. Brick predicted the continued success of the republican party. The Dingley tariff law he described as "the most beneficent act of tariff legislation that ever emanated from the brain of man."

He attributed the present prosperity directly to this act and urged the most careful deliberation before it is tampered with.

"In the mutation of events changes take place and we must revise the tariff schedules as to particular items," he said, "but nobody wants it revised by the author of the Wilson bill. No, it should be revised and will be revised by the creator of our magnificent prosperity."

Pleads for Progressiveness.
The republican party was referred to the march of socialism by Senator Beveridge, who said in part:

"The republican party has won all its past victories as the champion of progressive liberty. It must win its future victories as the champion of progressive liberty. It must always be the here-and-now party, the up-to-date party, the party of conservative advance."

The republican party is not the enemy of wealth. It believes in property and the rights of property; but it is also the friend of the people. It believes that all honest interests of the few are wrapped up in the prosperity

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PINAULT ROBBER SMILES IN COURT

Wainwright Gets a Continuance of His Hearing for a Week.

Prisoner Says Good Horses and Slight of Treasure Were His Undoing.

Smiling as tho the whole matter was a practical joke, Thomas J. Wainwright stood up in police court today to face the most sweeping grand larceny charge ever sworn out by the Minneapolis police.

The complaint, sworn out by Detective Joseph Lawrence, charged him with stealing diamonds and silver from Dr. J. N. Pinault, valued at \$5,000. Only a few of the articles were enumerated, as the grand jury will probably consider the case in a broader light.

Wainwright had no attorney. When asked if he was ready for a preliminary hearing he said he was not and asked for a continuance of one week. His request was granted and Judge J. L. Smith promised to fix bail later in the day if necessary.

Still smiling, Wainwright was led back to his cell. He was dressed in a neat gray suit and spotless linen, and had every appearance of the gentleman. His smile was perfectly natural and there was nothing defiant about it.

Dr. Pinault was in the courtroom during the arraignment and smiled in a friendly way as the prisoner was led out of the room.

Wainwright is trying to get the good will of Dr. Pinault and every official possible in order to get his term shortened. Dr. Pinault wants his diamonds back and he appears at least to be kindly disposed toward the notorious thief.

The safety deposit company, however, is non-committal and will probably push the charge to the limit. Several pawnbrokers, who purchased the stolen articles, were in court. They will undoubtedly be heavy losers and it is understood that they will unite in an effort to see that Wainwright gets the limit.

Planned to "Live Straight."
The desire to own fine horses and the sight of Dr. Pinault's diamonds and gold was too great a temptation to allow Wainwright to keep to the resolve to live straight, which he made when he first set foot in Minneapolis.

Wainwright says he came west last fall to get out of the old rut in New York, where a man was always tempted to live by his wits. When he first arrived in Minneapolis he resolved to be honest, and he even went into the Dakota harvest fields to get away from the city life. Then he came back in the fall and got a place as coachman for J. D. Blake, and later he was hired to care for the horses in the stables of Dr. O. J. Evans, 1726 DuPont avenue S.

Loved Fine Horses.
All his life Wainwright had desired to own fine horses of his own, but the

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NAPLES AGAIN ALARMED; PRISONERS IN MUTINY



GOVERNMENT OBSERVATORY ON MOUNT VESUVIUS WHERE PROFESSOR MATTUCCI DETECTS THREATENING ELEMENTS.

STICKS TO POST ON RAGING VESUVIUS

Prof. Matucci and Carbineers Defy Death to Keep Line on Eruption.

Rome, April 11.—Professor Matucci, in charge of the observatory at Mount Vesuvius, telegraphed from there at 10 a. m. today as follows:

"The situation of myself and the carbineers in the observatory was very grave thruout the night. Up to 8 o'clock this morning the observatory was enveloped in dense showers of sand, but the volcano is now calmer. The seismic instruments show quieter records than yesterday. I shall remain here as long as possible."

"If my words could influence the population they would be words of encouragement and sympathy. For I am most confident that Vesuvius will soon return to its normal conditions."

SOLDIERS RETURN AS ENOCH ARDENS

Russians, Reported Dead, in Many Cases Find Their "Widows" Married.

St. Petersburg, April 11.—Among the Russian prisoners arriving from Japan there are many who had been reported dead by the general staff and whose wives and other relatives had been so informed. The unexpected reappearance of these men, is causing all sorts of strange family complications, as many wives, under the impression that they were widows, have remarried.

The newspapers contain an account of a case which happened in the province of Perm, where a returning soldier found his wife already the mother of a child by a new husband. He took the matter to the village priest for settlement. The first husband offered to acquiesce to the new matrimonial arrangement if he received \$25, but the second husband was unable to pay the money, and it was finally arranged that the wife should return to her first husband.

However, as the second marriage was considered legal, and as official documents were at hand to prove the apparent death of the living husband, it was decided that the child born while the first husband was away must legally be registered as belonging to the second husband and that it must be cared for by him.

CZAR'S MEN CLASH WITH THE CHINESE

American State Department Receives Reports of Friction in Manchuria.

Washington, April 11.—Reports of friction between Russian and Chinese troops in Manchuria have attracted the attention of the state department.

The only concern of the American government is that the undertaking of the treaty, that Manchuria shall be evacuated by both Russia and Japan, shall be lived up to. Eighteen months was allowed for the evacuation, and when that time shall have passed, if the evacuation is not accomplished, the state department will renew its interest in the subject.

Giraffes and antelopes each have tongues nearly two feet in length.

ANOTHER CITY GONE; OTHERS IN DANGER

Sarno Reported Destroyed by Vesuvius—Ottajano Left to Its Fate.

MANY VILLAGES ARE IN RUINS AND BURIED

Force of Eruption Continues, Sand Emissions Increasing the Perils.

FIVE HUNDRED DEAD; LOSS \$20,000,000

Naples, April 11.—(3:15 p. m.)—The loss to property by the volcanic outbreak is estimated at \$20,000,000. A report has been announced that 50,000 persons have been rendered homeless. The list of dead probably will reach 500.

Prisoners in Mutiny.
Naples, April 11.—The panic here is increasing. The prisoners in the city jail mutinied owing to fright and succeeded in breaking open some of the doors inside the building, but were subdued by the guards. The prisoners, however, are in a state of great excitement, requiring double guards.

Stones Beat Houses Down.
Rome, April 11.—Premier Zonino left Rome for Naples today to supervise the government measures for the relief of the sufferers from the volcanic outbreak.

The Vita today published a dispatch from Castellammare, saying that during the night trains arrived there with thousands of fugitives from Torre Del Greco. These persons were in a pitiable state, covered with ashes and badly panic-stricken.

They said that Torre Del Greco was visited by a terrible storm, accompanied by the fall of boiling water and stones the size of eggs. The houses began falling down and the population fled. The municipality of Castellammare is succoring the fugitives.

As the dispatch was filed at Castellammare, the volcanic tempest had recommenced at Torre Annunziata.

Naples, April 11.—The Mattino today asserts that Sarno, a city in the province of Salerno, has been destroyed. It was impossible to verify this report.

Sarno is a town of some 10,000 people and is situated about ten miles east of Mount Vesuvius. It contains an old castle, some sulphur baths and manufactures of paper, copper wires, cotton goods and silk fabrics.

New Fears in Naples.
The morning opened with the atmosphere oppressive and yellow with ashes from Mount Vesuvius, causing a feeling of apprehension regarding what the future would hold in store for this city and its vicinity.

The volcano was completely hidden in a dense mass of cinder-laden smoke, the only other signs of activity being frequent and very severe detonations and deep rumblings.

Ottajano Left to Fate.
From all quarters come reports of the accumulation of ashes, the flight of the terror-stricken inhabitants of towns and villages, the collapse of buildings, the insufficiency of the relief measures, hunger and discouragement.

It is no longer possible to reach the points which have suffered most severely. Even the soldiers detailed to guard the ruins at Ottajano have been recalled and the town has been left to its fate.

Other Cities Abandoned.
Torre del Greco and San Gennaro have been evacuated and Portici, Circello, Poggio and Morino are practically uninhabitable.

The situation at Torre Annunziata has somewhat improved, as the current lava has ceased to threaten it. At Torre del Greco the downfall of ashes and sand continues. The inhabitants are awaiting steamers to escape from the danger zone.

San Gennaro is plunged in obscurity. The majority of the houses have fallen.

Villages in Ruins.
Fugitives arriving in Naples confirm the previous reports to the effect that houses at Ottajano continue to fall and the town and the villages in its neighborhood are nothing but ruins.

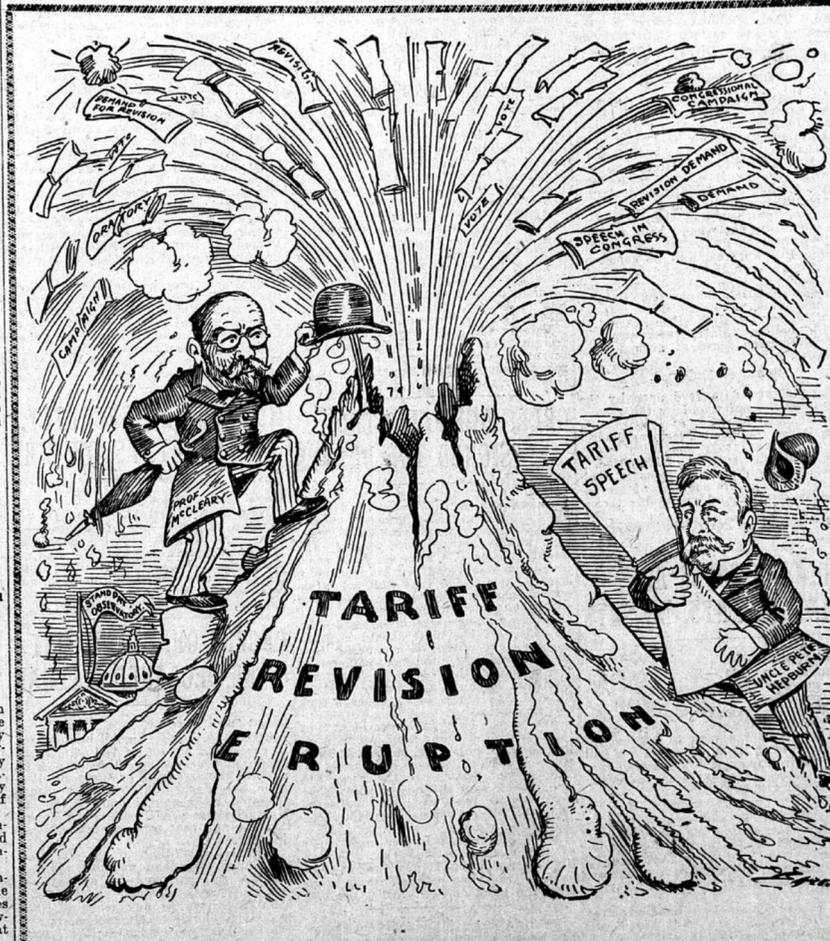
At San Guseppe the ashes and sand are over four feet deep. Troops are camped in this morning, dead in panic in readiness to move quickly to the assistance of endangered places, and patrols with military doctors are sending assistance to the fugitives.

Buildings Collapse.
According to the Mattino, fifty houses, three churches and the municipal buildings at Somma have collapsed, the sand and cinders are six feet deep there and all the inhabitants have sought safety in flight.

Many Hurt in Panic.
The employees of a tobacco factory at Naples, thinking the roof was about to fall in this morning, fled in panic from the building and communicated their fears to so many people outside that the police were compelled to interfere and restore order. Many persons were injured during the panic.

Wherever it has been possible to do

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STOPPING A VOLCANO.

The standpatters are preparing to send valiant heroes to check the political eruption.