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REPLIES TO CRITICS.

Senator Bailey Defends His Position
on Rate Measure.

CONGRESS ABSOLUTE

In It Alone, the Texan Contends, Is
Vested the Constitutional Right
to Prescribe the Limita-
tion of Courts.

Washington, March 29.—Senator Bailey replied in the senate Monday to criticisms of his suggestion for a prohibition in the railroad rate regulation bill against the suspension of the interstate commission's orders by courts below the supreme court. He contended that congress had the absolute power to prescribe limitations for the courts which it creates, and cited a large number of decisions in support of his position.

"I have not intended to discuss any phase of this legislation until a suitable time to discuss every phase of it," he said in introducing his speech. He said that the suggestion made by him ten days ago in respect to the powers of congress to limit inferior federal courts in the matter of issuing injunctions had been discussed so widely and assailed so fiercely that he felt required to make a further statement. Complaint was made by the various arguments of the newspaper comments regarding his suggestions, which he said "seemed to be furthering a deliberate effort to make it appear he had advanced an unconstitutional proposition, and so obviously

himself of Mr. [Name] Sunday, and [Name] in a Washington paper. Mr. Bailey said that the criticism of his views was based on an account of the exact opposite of what had taken place. The report referred to said that a majority of those present were against his proposed amendment. It then proceeded with a laudation of his position and declared that he had been upheld in his contention by the supreme court of the United States.

A misapprehension exists among lawyers, he said, as to the right of congress to limit the jurisdiction of courts below the supreme court, on the ground that congress regulate the proceedings at law, but could not affect equity proceedings.

More than a dozen decisions came from Dallas, he said, which approved the power of congress to control the jurisdiction of the equity proceedings as well as the law proceedings in the federal courts. These decisions were reviewed by Mr. Bailey in support of the position he had taken on the subject of limiting the jurisdiction powers of the so-called "congressional" courts.

Mr. Bailey laid special stress on the contention that congress may prescribe the jurisdiction on the subordinate courts, which it creates. He declared that unless those courts were vested with greater power than outlined by the constitution, they cannot be attacked. Such an attack could not prevail in case of the limitation of such powers within the constitution. He said that the supreme court had rejected the argument that the lower courts have inherent power, holding that their powers were circumscribed by the constitution creating the courts.

Mr. Bailey called attention to the act of congress in prohibiting the courts from punishing for consecutive contempt, "and yet," he said, "senators deny the right of congress to regulate the issuance of interlocutory decrees."

Mr. Bailey declared that all he was contending for was to have the rates fixed by the commission stand until finally adjudicated by the court, because he believed it might be assumed that any rate established by that body would be more just than the rates of the railroad companies, the one being disinterested, and the other interested.

"I appeal to you to say which is more apt to be right. If you give your voice to that fixed by the commission, I demand in the interest of the people that it stand until a final decree to the contrary is rendered."

He advised senators to be candid with the people. He read a letter from an attorney in Florida reciting Judge Pardee's course in enjoining that state from instituting a suit to compel the reduction of passenger rates; a proceeding, he said, which shows how far "these learned and upright judges" may go in the use of their powers. He declared that even if he stood alone, he would submit to the senate the question as to whether the courts may exercise arbitrary power like that assumed by Judge Pardee.

"Are we to understand that the senator favors a final review by the courts?" Mr. Aldrich asked.

"I do," replied Mr. Bailey, "I have never seen the day when the courts have closing the doors of [Name] to any person. I favor a [Name] proceeding. What I contend for is that the courts should not have the power to set aside findings without thorough inquiry."

He said that he did not have confidence in all the judges on the Federal bench.

IN BAD TANGLE.

Railroad Traffic Demoralized by Almost Unprecedented Rain.

Atlanta, March 29.—As a result of the heavy and almost unprecedented rain storm which has visited the south, the railroad systems are in a bad tangle, and in some places are completely paralyzed.

Considerable damage to crops and freshly plowed ground is reported from many sections of Alabama, Georgia and Mississippi. All the lowlands near Meridian, Miss., are inundated, and residents are prepared to raft their household goods and leave for higher ground. Stock and cattle are reported drowned in many places.

So far one death from the storm has been reported. A. H. Armstrong, an engineer on the Mobile and Ohio railroad, was killed by his engine turning over, caused by a washout.

The greatest damage done by the water was to the railroads. Innumerable washouts on the Illinois Central near Jackson, Miss., have caused the annulling of trains in that section. Several trestles and embankments on the Southern railroad between Atlanta and Rome were carried away and trains were handled over the Western and Atlantic tracks. The Mobile and Ohio between Montgomery and Selma was badly crippled, trains having to be handled over the Western of Alabama tracks. The Seaboard Air Line between Atlanta and Birmingham was crippled so that trains had to be handled over the Southern tracks. A number of washouts are reported on the Gulf and Ship Island road near Magee, Miss., causing trains to be late. No trains are running on time.

COOLNESS OF TEACHERS.

Several Pupils Had Hair Burned and One Girl Hurt.

Haverhill, Mass., March 29.—Fire in the Haverhill manual training and high school annex, imperilled more than 150 boys and girls, and although mainly because of the coolness and generalship of the teachers, no lives were lost, several pupils had their hair burned and one girl injured her leg by jumping from a second story window. Instructor John Bourne was compelled to leap from a window on the second floor of the training school. He was not injured. The loss is estimated at \$25,000.

NEGRO TAKEN FROM JAIL AT CHATTANOOGA AND HANGED.

Chattanooga, March 29.—Ed Johnson, colored, was taken from jail at 10:45 o'clock Monday night by a mob of seventy-five men and hanged to a beam of the county bridge over the Tennessee river. The rope broke and the negro's body fell, and the mob quickly riddled him with bullets. Sheriff Shipp and the jailer were locked in the bath room while the mob secured the prisoner. There was no disorder. He was under death sentence for criminal assault.

United States supreme court had granted Johnson an appeal during the day.

NEW POSTMASTERS.

Senate Confirmed Quite a Batch of Nominations on Monday.

Washington, March 29.—In executive session the senate confirmed the following postmasters:
Indian Territory.—J. K. Hannah, Sallisaw.
Louisiana.—F. C. Lebit, Crowley.
Oklahoma.—W. E. Johnston, Tecumseh.
Texas.—H. Martin, Bonham; C. A. Dickson, Cleburne; C. J. Hostrasser, Hearne; E. Fore, Pittsburg; T. J. Darling, Temple; Florence Burk, Elgin.

SWEPT TO DEATH.

Terrible Fate That Overtook a Dozen Colorado Miners.

Silverton, Colo., March 29.—Twelve miners employed at the Shenandoah mine were caught by a great snowslide and swept to their death.

According to a report from Howardville the men were killed by a snowslide which struck the boardinghouse at the mine when they were at dinner. It is reported twenty-one men were caught in the slide and that nine dug their way out, more or less injured.

TRAFFIC CRIPPLED.

Memphis, March 29.—Traffic on the Yazoo and Mississippi Valley and Illinois Central railroads is badly crippled on account of heavy rains in Mississippi. Serious washouts are reported near Vicksburg and Port Gibson.

DIES FROM STRYCHNINE.

Georgetown, Tex., March 29.—Miss Ida Josling, who lived on the Bland Harrison farm, eight miles from here, near Hutto, died from taking strychnine.

HAMILTON SERVED WITH SUMMONS.

New York, March 29.—Andrew Hamilton was served with summons in suit by trustees of New York Life Insurance company. It is understood to be for accounting of cash spent.

CADETS READMITTED.

Annapolis, March 29.—The following cadets were readmitted to the naval academy: M. J. Foster, Louisiana; C. H. Pierce, North Carolina; Edwin F. Barlow, Tennessee.

ELGIN BUTTER SALES.

Elgin, Ill., March 29.—Butter sales last week were 498,999 pounds.

Our Walks Invite Investigation

Their attractiveness appeals to the eye, and the way they are made will satisfy your every expectation.

Every day we hear some compliment on them, and when you once figure on their permanency, they will prove the cheapest first-class walk to construct. Every block weather cured, in fact, we positively will not put down a walk until these blocks are safe, and every walk is on a solid concrete base. Let us show you plans for your property.

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A beautiful line of Imported Embossed W. China that I am offering at a very low price. Come and let me show you.

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Important Change of Time

A New Train via



Effective Sunday, January 28, 1906.

By this change, the service between Waxahachie and North Texas points is much improved, with double daily train service in both directions, the H. & T. C. and Texas Midland forming a through and continuous route via Ennis to points on the East; also to St. Louis via the Frisco, and all points in the North and Texas, as follows:

Waxahachie	Lv. —	3:00 p.m.	Ar. —	11:15 a.m.
Kaufman	Ar. 7:55 a.m.	7:25 p.m.	Lv. 7:49 p.m.	8:49 a.m.
Terrell	Ar. 8:22 a.m.	7:50 p.m.	Lv. 7:25 p.m.	8:25 a.m.
Greenville	Ar. 9:40 a.m.	8:57 p.m.	Lv. 6:05 p.m.	6:58 a.m.
Commerce	Ar. 10:20 a.m.	9:30 p.m.	Lv. 5:30 p.m.	6:27 a.m.
Cooper	Ar. 10:53 a.m.	10:01 p.m.	Lv. 4:58 p.m.	5:55 a.m.
Paris	Ar. 11:45 a.m.	10:40 p.m.	Lv. 4:10 p.m.	5:10 a.m.
St. Louis	Ar. 7:47 a.m.	7:15 p.m.	Lv. 4:21 p.m.	—

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For Wednesday only we will offer for sale the finest line of Lace Curtains ever shown in Waxahachie. While our buyer was in the East he bought over 350 pair Lace Curtains at Manufacturer's Cost, and these Curtains were all marked to sell for same price merchants must pay the wholesale. We promised the people of Waxahachie a bargain for every day in the week, and so for **Wednesday only** we are going to cut the price of our Lace Curtains to 1-2 of their regular selling price. We will sell Lace Curtains from 50c to \$5.00 per pair, something unheard of in Waxahachie until there was an **EGGER CITY**. Never put off until tomorrow what you can buy today.

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