

# The Washington Times

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FRANK A. MUNSEY.

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WEDNESDAY, JULY 17, 1907.

## An International Theater Trust.

The Theater trust is going to become an international octopus, according to the latest report. The new combination is to control the best theaters in both this country and Europe, and to contract and manage the best stage talent. It is to have \$100,000,000 capital, and, according to the best information, it is based on a recent decision that theaters and amusements are not trade or commerce, and therefore the laws against restraint of trade or commerce would not apply to a combination of this sort.

If the amusement trust gets away with this theory of the law, there would seem to be only one thing for the public to do. That is, to organize an opposition trust for the purpose of controlling the entire visible supply of ancient hen fruit and decadent vegetables.

## The Conduit Road Jurisdiction.

Mr. Edmund B. Briggs contributes to The Times some observations anent the Conduit road and the question of its jurisdiction that will hardly fail of interested and appreciative reading by Mayor Garrett and the authorities of the State of Maryland, and of interested, if not altogether appreciative, perusal by the Attorney General of these United States.

Mr. Briggs has taken the trouble to look up the law in the case, and he not only decides against the Attorney General, but writes down his impressions of the matter in a style of English that leaves little to be conjectured as to his opinion of the Government's attitude.

Mr. Briggs quotes thus the Maryland law ceding the land on which the Conduit road was built:

If the plan \* \* \* for supplying the city of Washington with water should require said water to be drawn from any source within the limits of this State, consent is hereby given to the United States to purchase such lands, and to construct such reservoirs, dams, buildings and other works, and to exercise concurrently with the State of Maryland such jurisdiction over the same as may be necessary for the said purpose.

"For the said purpose" seems to limit the jurisdiction of the Government to matters involving the water supply of the city; and even as to those purposes the jurisdiction is concurrent with that of the State of Maryland.

Just wherein the water supply of the city of Washington is involved in the speed limit of autos is not very apparent. It is not impossible to conceive a situation in which the Government might conclude that it was all wrong to use the conduit as a highway; but so long as it is used for highway purposes, the speed of vehicles can hardly be maintained to affect the water supply. It would be interesting, at least, to know at what particular rate touring cars should be operated in order to produce, in the mind of the Attorney General, the most desirable effect on the water. Perhaps he has a theory that the dissemination of gasoline perfume along the Conduit road from vehicles traveling at a high speed would tend to suppression of the typhoid germs.

Mr. Briggs should not overlook the possibilities of this line of argument.

## The Rates of the Service.

Out West the railroad managers are very generally taking the position that they will punish the public for its two-cent fare laws, by withdrawing the low excursion rates that have long been made for numerous occasions. As a result the autumn festivals, State and district fairs, etc., are threatened with serious embarrassment, and considerable feeling is developing against the railroad policy. The railroads are accused of being animated in the matter by spite, and the desire to make the new laws unpopular.

The working of these new laws, however, gives promise of some unexpected results. From every State comes report that immediately upon the taking effect of the reduced rates the local travel shows a large increase. This was the experience of Nebraska and Kansas, and now comes Illinois with a similar record. Whether this will prove to be only temporary and sporadic is still to

be made clear by longer experience; but it is commonly accepted that lower rates will mean permanent and significant increase in the amount of traveling. Missouri's law is to have a six months' trial under a most remarkable order of the Federal court, to ascertain what effect it will have on revenues, etc.; and already comes the assurance that the people are all taking trips, possibly because they want to, possibly because they are anxious to disprove the railroad contention that such a rate will injuriously affect revenue.

In connection with the proposal to shut off excursion rate privileges, it is pointed out by Western papers that the public will demand first-class facilities when it pays full rates. It has been possible for the roads to provide almost any sort of cars and service to excursions; but the people who are charged full first-class rates will insist on corresponding service, and already they are taking steps in many communities to get it.

## Mr. Cockran's Plan.

The Hon. W. Bourke Cockran has told President Roosevelt his plan for taming the octopus, and has also laid it before the public through a speech at Tammany Hall last evening. Mr. Cockran proposes that:

The Federal Government have representation on the directory of each corporation doing interstate commerce;

The State government be likewise represented on the board of each corporation doing business within a State;

The employees of each franchised corporation be represented by one of their own number sitting on the board, as guardians of the "wage fund" and of general labor interests.

Mr. Cockran thinks this plan would promote real publicity, and keep it continuous rather than occasional and sporadic. It is just possible that present experiments in this direction ought to be given rather more thorough trial before extension of the scheme is undertaken. But there can be no effective objection to some aspects of Mr. Cockran's proposal.

Thus we believe fully that when the public contributes a franchise of immense value, and in its nature monopolistic, to a public service corporation in a city, the municipality ought to be represented on the board of directors of the corporation. The present-day conception of the function of a public-service corporation is vastly different from that even of a decade or two ago. The public service corporation produces that which means life to the municipality. It produces something vastly less important to its stockholders—profits. The public's concern about it is fully as large as that of the stockholders, and the public should be given a voice in its management.

It is, indeed, matter of wonderment that in this country the States have been so slow about recognizing this proper solution of the problem of relations of the city to its franchised corporations. Mr. Cockran's proposal is a look in the right direction; but it may be doubted whether he proposes to go so far as public interest requires.

Only the other day literary and critical England was trying to pick a model husband for Marie Corelli. Marie has retorted by issuing some new specifications as to her ideas of men in general, which suggest that after the committee on a husband selects the right man, it may experience difficulty in inducing him to go to the altar. Here is what the sunny-natured Marie says about men:

"They have not either courage or intelligence to fight the world for their selves, and seeing the fierce heat of competition in every branch of labor they gladly sneak behind a woman's petticoats to escape the general fray."

"When they have secured the ignoble end of their ambition they are the first to run down woman's work, woman's privileges, woman's attainments, and woman's honor."

Prisco is to have a physician for its mayor. If he succeeds in getting the town to take his medicine he will doubtless improve conditions, no matter what he prescribes.

A man who said he was the devil called on the President yesterday, but was not admitted to Sagamore Hill, the President being too busy looking after more serious offenders.

Mr. Hearst keeps right on edging up closer to the majority chair, and Mr. McClellan continues to have more and more of that fading, evanescent look.

The ministers have generally gone on their vacations, and the trust-busters are getting away. The devil and the octopuses will have things their own way till cooler weather encourages strenuous efforts at the promotion of goodness.

A newspaper mentions Postmaster General Meyer's choice in connection with the selection of a postmaster at New York, just as if Postmaster General Meyer would have something to say about it.

An Indiana woman has just died after seventy years adherence to a resolve never to speak to any man. At that, the men in her neighborhood probably never realized how lucky they were.

They are getting ready to pass a public utility bill in New Jersey. Well, it will be interesting as showing how the U. S. thinks public utilities ought to be supervised by the State.

The theory that the sun is cooling off has received a black eye about the size of a sun spot.

# CHANCEY ON THE JOB



## BONAPARTE FIGHTS RIGHTS OF STATES, SAYS E. B. BRIGGS

Attorney General's Glen Echo Opinion Stabs Police Power of Maryland and Is Ridiculous, Asserts Correspondent.

To the Editor of The Washington Times:

You say, editorially, that the Attorney General is likely to be a pretty good lawyer. This may be true enough. He may be, like the Secretary of State, a mighty good corporation lawyer; and both of them may be as "short" on constitutional law as their antics in the Glen Echo matter would seem to indicate, while both of them may be so "long" on international law as to constitute them regular pundits.

In the Glen Echo case, both care as little for Collins, or Garrett, or "Johnnie" Lutz, as does the Shah of Persia. What they are both after in this case is to stab the police powers of every State in the Union.

### Perversion of Fact?

The "opinion" of the Attorney General is based upon a wilful, direct perversion of historical fact. The claim is made that in coding the land upon which the Conduit road is built the State of Maryland surrendered her sovereign police powers and jurisdiction over the same. She did nothing of the kind; but in express terms reserved "concurrent jurisdiction" with the United States—even as to the purpose of the cession, viz: To "supply the city of Washington with water."

The act of the Maryland Legislature ceding the land in question was passed May 3, 1833, and the language of its ceding section is as follows, to wit: "Section 1. Be it enacted by the General Assembly of Maryland, That, if the plan adopted by the President of the United States for supplying the city of Washington with water should require said water to be drawn from any source within the limits of this State, consent is hereby given to the United States to purchase such lands, and to construct such dams, reservoirs, buildings, and other works, and to exercise concurrently with the State of Maryland such jurisdiction over the same as may be necessary for the said purpose."

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### No Grant of Land.

Here is no grant of land for any military or other "reservation," no cession of any one of the plenary police powers of the State over the soil upon which the Conduit road is built; but, on the contrary, an express reservation of concurrent jurisdiction—even as to the purpose for which the cession was made, viz: Supplying the city of Washington with water. It ought to be conclusive of the entire question, so far as the Federal authorities are concerned; but the Secretary of State wants to oblige his diplomatic friends, in spite of the Constitution of the United States and the sovereign rights of Maryland, just as 1905, he wanted to eject vi et armis the alleged "squatters" on the Potomac flats, in flat contradiction of the words of the statute.

### Government "Took Water."

He succeeded only in having the United States marshal plastered with injunctions in that case, and the Government had to "take water." It was the same, only the other day, in the case of Kansas vs. Colorado, where the Supreme Court unanimously relegated to innocuous desuetude the wonderful discovery of the Department of Justice that the General Government was vested with "inherent" powers, in addition to its "express" and "implied" powers. It will be the same in this Glen Echo street, breathlessly informed her mother that the child had been lured into the home of Peter Martin, 22 East One Hundredth street. Mrs. Boyd did not wait for the police or warrants.

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DEPEW'S SISTER-IN-LAW FIGHTS SERVANT'S SUIT

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Measured both by fame and earning capacity, John Hays Hammond is the world's leading mining engineer. He is known in every part of the globe, and his yearly income is estimated at \$800,000, which is said to be more than any other man ever received for personal services.

It is said in a semi-official way, that the company actually is earning at the rate of about 20 per cent on stock, but depreciation charges are heavy. After a year the company will have to meet a depreciation charge of \$100,000 on an abandoned plant in California, which is now said to be absolutely worthless.

## FATE OF MACGILL IN CHEMISTS' HANDS

Illinois Bank Cashier Will Be Brought Back From California.

CLINTON, Ill., July 17.—Chicago expert chemists began an analysis today of the contents of Mrs. "Pet" MacGill's stomach, to determine whether she died by chokehold, self-administered, as her husband, Cashier F. H. MacGill, of the Warner National Bank, asserts, or whether some other person ended her life. Instructions from State's Attorney Campbell, who will bring MacGill and his young bride from San Diego, Cal., to face charges of murdering the banker's first wife, are that five Chicago detectives shall be sworn in as DeWitt county deputy sheriffs and meet the prisoners in Chicago, help to smuggle them into Clinton, and watch them constantly until their trial is over.

With MacGill and his wife will come the former's beautiful eighteen-year-old daughter, Marjorie, who, as her dead mother's confidante, is relied on by the prosecution, should she recover from her present state of collapse, for testimony which will send her father to the gallows, and, by the latter's friends, to tell a story which will insure his early release.

The case promises to be one of the most remarkable ever tried in the West. MacGill wedded his nineteen-year-old wife, Fay MacGill, but little more than a month after the first Mrs. MacGill's death.

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# RAILROADS, LIKE INDIVIDUALS, SAYS FINLEY OF SOUTHERN

President of System Before Nashville Board of Trade Declares Great Problem Is to Increase Facilities Fast Enough for South's Progress.

NASHVILLE, Tenn., July 17.—President W. W. Finley, of the Southern Railway Company, who was one of the principal speakers at the Nashville Board of Trade today, delivered a address which was largely in the nature of a reply to those who have criticized the railway companies for appealing to the courts for protection from legislation, which they believe to be confiscatory in its character, and which would tend to retard the progress of additional and improved railway facilities.

After referring to the rapid growth and the present prosperity of Nashville, Mr. Finley spoke of the importance of adequate facilities for transportation, pointing out that it is a self-evident truth that the profitability of production depends upon ability to sell the commodities produced, and the equally self-evident truth that no community can produce, profitably, more than it can send to market. Referring to the rapid increase in the demands upon the railways of the South for transportation within the next few years, he said the practical question now confronting the managers of the railways, and every man engaged in any kind of business, was, how could the increased transportation facilities be provided that will be needed if this rate of increase in tonnage was to be maintained for even a few years more.

### Endangering Credit.

Mr. Finley pointed out that agitation initiated to secure the correction of railway abuses had accomplished that result, and was now being carried to the point of endangering railway credit, and impairing the power of the railway companies to increase and improve their service. He said:

"By the adoption of legislation in some of the States which reduces the revenues of the carriers far below the point of confiscation, the railway manager is confronted with a serious problem."

"The Constitution of the country, which is the supreme law, and which should be recognized as the supreme expression of the people's will, says that this shall not be done in the same solemn terms that it declares that no individual shall be deprived of his property or of his liberty without just compensation, or without due process of law. If a law were passed by the Legislature, contrary to the Constitution, depriving a man of his liberty, there would be no one who would not ask the protection of the Constitution—the supreme law—for his liberty."

"If, however, there is legislation enacted, taking from a railway company its property or interfering with its lawful enjoyment of it, and an effort is made by those charged with the responsibility for the property to obtain for it in the courts constitutional protection, there are those who declare that this is a defiance of the people's will. It is called in some quarters an arrogant refusal to accept a popular verdict."

"Under our system of government, the popular will cannot, and ought not to, express itself, except by constitutional methods. Otherwise, it would be mere temporary caprice of the people that would be our law. The great voice of the American people insists that the Constitution shall be preserved, and what the Constitution declares to be a right, either of person or property, is the real expression of the popular will. Those who appeal an individual for insisting on his constitutional rights and denounce a railway company for doing the same, must seek to justify themselves upon the principle that those of our fellow-citizens who invest their means in providing transportation for the country must, for some reason, be deprived of the measure of protection for their investment which other people have."

### Investments Unprotected.

Would you be willing to invest your money, unless your investment is entitled to legal protection? If not, can you expect others to do so? In a high and a very important sense it is necessary for the railway manager to insist on this constitutional protection for the interests entrusted to his care.

"As a result of the awakening of the public conscience and of the corporate conscience as well, a great deal has been accomplished on the ethical side of railway management. Many of the faults of railway management have been made to appear in their true light and have been corrected. The grounds of just public complaint against the railways have been substantially removed. The rights of the public are safeguarded by statute law and by the power of a vigorous public opinion."

### Tribute to South.

Referring to the responsibilities resting upon legislators, Mr. Finley quoted from the recent address of Frank A. Vanderbilt, vice president of the National City Bank of New York, before the Virginia Bankers' Association, showing that Mr. Vanderbilt believes that some recession in business is inevitable. In conclusion, Mr. Finley said:

"I do not take a pessimistic view of the future of our section. As a Southern man, identified with Southern interests, and familiar with Southern needs and aspirations, I have unbounded confidence in our Southern people. I know their high sense of honor and of justice, and their zeal in support of every policy tending to advance the development and to increase the prosperity of the South. Our section is progressing industrially and commercially at a relatively more rapid rate than any other part of the country. If each one who appreciates the importance of such policies, to himself and to his section, will contribute in every way in his power to the development of a public sentiment favorable to legislation based on sound economic principles, there will be no question as to an advance to higher prosperity, in which our own Southland will lead the way."

## Pickpocket Ran Right In Open Police Station Door; Did Not Leave So Quickly

NEW YORK, July 17.—Frantically fleeing from a crowd that was clamoring at his heels with yells of "Stop thief!" a pickpocket dashed into Church street police station, where he was promptly locked up.

While John H. Evans was standing Broadway in the midst of a crowd, he felt a sudden tug at his watch, and looked down to see the timepiece vanishing, along with a hand. He yelled and grabbed at the hand, but it escaped him. Others took up his cry, and for the time Broadway forgot its luncheon and joined in the exhilaration of a man hunt.

The pickpocket dashed first into Liberty street. The way was so narrow and crowded there that he was almost surrounded, and turned again, north this time, up Church street. He saw that the street ahead was filled with people, and knew that the crowd behind him was nearly within touching distance.

So he darted sideways into the first door on the right-hand side of the street. He did not notice the green lamps on either side of the doorway, but as he leaped into the room he saw the dead-end and rattling, and a sergeant sitting behind conversing with several patrolmen. Then he realized that he had gotten into the church street police station. But he wasn't dismayed. The sergeant could only stare, and the roundsmen followed the superior officer's example.

So he turned quickly and tried to run out. Instead, he ran into the arms of Patrolman Toomey, who had been following him. Toomey threw him to the floor and proceeded to hold him there, until Captain Gallagher came up and helped to overpower the man.

After that he was dragged to his feet, before the desk, and arraigned on a charge of grand larceny. The watch was found on his person. He gave his name as Lorenzo Iamico.

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## CIVIL WAR CLOUD IRISH BY THOUSANDS GO ON EXCURSION

Chesapeake Beach was the meeting place of loyal Irishmen today, owing to the excursion given there by Division No. 5, of the Ancient Order of Hibernians, and the Ladies' Auxiliary of No. 5. Besides the 2,000 tickets sold by the division for the trip, other members of the order joined the crowd. The day is given over to dancing, swimming, and the other amusements at the beach, there being no program of athletic events.

Matthew Malloy and M. P. Lynch are chairman and treasurer, respectively, of the committee on arrangements for the excursion.

## This Afternoon's Concert AT THE CAPITOL

5:50 P. M.

U. S. MARINE BAND

W. F. Smith, Second Leader

### PROGRAM.

March....."Dolly Madison".....Wilmarth  
Overture....."Il Guarany".....Gomes  
Fantasia....."Hungarian".....Tobani  
Duet for flute and clarinet....."Lo, Hear the Gentle Lark".....Bishop  
Musicians Jacques Louis Vanpoucke and Robert E. Seel  
Waltz Act....."Maeswar".....Curtl  
Entr'Act....."The Butterfly".....Bendix  
Excerpts from....."Boccaccio".....Suppe  
"The Star-Spangled Banner."