

KNOX MAKES SPEECH

Speaks on Railroad Rate Bill in the Senate.

DEALS WITH LEGAL ASPECT

Sets Forth From Court Decision Powers and Duties of Interstate Commerce Commission—Five Civilized Tribes Bill Discussed.

WASHINGTON, March 28.—Knox made the first set speech in the Senate today. He spoke on the railroad rate bill and dealt almost exclusively with the legal features of the problem.

Mr. Knox set forth by generous citations from Supreme Court decisions, the powers and duties the Interstate Commerce Commission now possess and perform under the act to regulate commerce, and he declared that his review showed that the commission has abundant power to seek and discover deviations from the great purpose of the act to secure equality for all, but it wholly lacks power to enforce its decrees and orders, and that its decrees and orders do not have the force of law until made so by judicial decree.

Simple Law Adequate.

After reciting a portion of the President's message calling attention to the advisability of expanding the powers of the commission, the Senator said that a short and simple law would reach the root of the trouble. He declared his bill introduced several weeks ago comprehends and deals with the mischief for which Congress is seeking a remedy more effectually than any measure yet brought to the attention of Congress.

Mr. Knox said the theory on which it is drawn is that general words in a statute which are sufficiently comprehensive to cover the evil aimed at make better and more effective legislation than specific prohibition of the evil in the forms in which it has appeared. Recent decisions of the Supreme Court, he said, confirm the wisdom of the method of legislation.

Court Review Feature.

In elaborating on the fifth section of his bill which provides for a review by the courts of orders of the commission, Mr. Knox said that the omission of such a feature from the House bill constitutes the main difference between the two measures. As a preface to a large number of extracts from court decisions upholding his position, Mr. Knox said: "It is obvious that a law conferring tremendous power which it is proposed by all the bills under consideration to confer upon the commission to substitute one rate or practice for another, must be drawn upon one of two theories: Upon the theory that the order of the commission shall be final and not reviewable by the courts, or upon the theory that it shall be reviewable by the courts. I have no hesitation in saying that a bill drawn upon the theory that the order of the commission shall be final and unassailable in the courts would be unconstitutional."

The decisions quoted, said Mr. Knox, prove that the railroads are entitled to their day in court, and that an act which prevents a judicial review or determination of the question of the reasonableness of an order of the commission would deprive the carriers of this constitutional right and would therefore be unconstitutional. Mr. Knox said that in his bill he

had undertaken to preserve the constitutionality of the purpose of the measure and to throw around the provision for the review such constitutional restrictions and terms as would prevent unnecessary or frivolous appeals to defeat the end of the remedial legislation. His court review section, he said, provides that the question to be submitted to the courts is solely whether the order of the commission violates the complainant's rights.

Commission's Order Enough.

Mr. Knox advocates a provision "Against the suspension of the commission's orders by interlocutory decrees without requiring a cash deposit or a bond to secure to the parties entitled to repayment, the difference between the commission's rate and the railroad rate if the commission's rate were sustained."

He thought that the weight of an order of the commission, made upon the authority of an act of Congress, would prevent courts from granting injunctions suspending the order, unless abundant proof were submitted to justify such a course.

Warm praise was bestowed by Mr. Knox upon the men who prepared the pending bill, but he said he was sincerely convinced that as it now stands, "It utterly fails to accomplish their beneficent purposes, and indeed, wholly defeats them." He reiterated that he regarded the bill as unconstitutional.

Mr. Knox asserted emphatically that under the pending bill in no way can an order of the commission be brought into court by proceedings against the commission.

"Whatever the intentions of the framers of this bill may have been," said Mr. Knox, "they have succeeded in producing a measure which permits an administrative body to make orders respecting property rights, gives no right to the owner of the property to test their lawfulness in the courts in a direct proceeding, denies the right to challenge their lawfulness in proceedings to enforce them, and penalizes the owner of the property in the sum of \$3000 a day if it seeks a supposed remedy outside of the provisions of the bill by challenging either its constitutionality or the lawfulness of the acts performed under its provisions."

Discussing the differences which thus far prevented any agreement between the two factions, one demanding and the other opposing a specific provision for a court review, Mr. Knox said:

"But for the seriousness of the situation the matter would be most ludicrous. Both sides agree that the right should exist; one holds that it is in the bill or exists independently of it; the other it is not in the bill, but should be and yet the former, for some mysterious and unaccounted reason, objects to an amendment which would place the matter beyond doubt."

"When we consider that the people are asking for prompt, decisive and effective action; that the present bill distinctly contemplates a review; that its constitutionality is seriously threatened by failure to provide for such review if the other features are to stand; that precedents of state legislation are in favor of a review; that all the bills presented in either house provide or recognize a review; that this bill itself as presented in both Houses and as originally prepared by the Interstate Commerce Commission contained a provision for a review and that the President in his message speaks of the orders being given subject to review—when we consider all these facts, the action of those who are willing to imperil the validity and effectiveness of this law by not explicitly providing for a review for no valid reason whatever, is to me incomprehensible."

When Knox had concluded the Senate entered on the consideration of the conference report on the five civilized tribes bill.

TERSE TALES OF THE TOWN

To San Francisco.

The Misses Katie and Nellie Flavel, and Mrs. M. C. Flavel, of this city, left this morning for San Francisco for a month's visit.

On An Important Errand.

Hon. Harrison Allen left on the evening express yesterday, for St. Helen's where he will argue a case in court before Hon. T. A. McBride and while in St. Helen's Mr. Allen will attend to the important matter of probating the will of the late lamented Martin Both. The value of the estate is approximated at \$20,000, and the heirs named in the instrument are Mrs. Julia Both, the widow, and her four children; the widow being named as the executor in the premises, in which trust she is associated with Messrs. Gile, B. Johnson, of the A. & C. service of this city, and Fred Trow, of Rainier.

Nothing In It.

W. Erikson and W. Wilson, the two young men who were alleged to have been mixed up in the reported attempt to rob one of the street cars in this city on Monday night last, were examined before Judge Goodman in the magistrate's court yesterday afternoon upon charges of attempted burglary and after a searching inquiry, both were dismissed by that magistrate, who found nothing of substance in the charges.

ROLLS CIGARETTE, THEN RESCUES MATE

Rare Display of Unconcern Shown by Deckhand on Steamer Charles R. Spencer.

PORTLAND, March 28.—"Wait until I finish rolling this cigarette, and I'll pull you out," remarked a deckhand on the steamer Charles R. Spencer to his mate, who was floundering about in the water alongside the dock.

The man in the water had slipped off the gang-plank. The man on the deck had a cigarette paper in one hand and a bag of tobacco in the other, and with rare equanimity completed the rolling of the "coffin nail." As soon as it was lighted and drawing well, he hastened to the rescue of his half-drowned shipmate.

KILLED BY THIEVES.

CHICAGO, March 28.—A dispatch to the Record-Herald from Mendota, Ill., says:

Mrs. Ellen Fuller was found dead yesterday at Earlville, eleven miles east of here. Robbers had entered her house in which she lived alone, bound and gagged her and ransacked the place. The thieves left a note outside the house stating that their victim was bound and asking that she be liberated but relief did not come in time to save her life.

NAUGHTY WOMEN.

American Women Smoke Too Many Cigarettes For Own Good.

CHICAGO, March 28.—Aroused by the recent discussion of cigarette smoking by women and the frank endorsement of the practice by some, Lucy Gaston, head of the anti-cigarette league yesterday sent out the following open letter:

"Cigarette smoking by American women is, unfortunately no longer an open question. Recent developments have brought prominently to the front existing conditions.

"It has been denied repeatedly by those jealous of the good name of American women that cigarette smoking prevails to any considerable extent among respectable classes.

"While the right exists to men and women alike to indulge in the cigarette habit, are we as a nation ready to face the fearful consequences of the widespread use of cigarettes by women?"

"Let not the tempted young woman be deceived by the rosy setting forth by votaries of the habit already under its enthrallment, for there is a dark side to the picture which must not be ignored."

NEGRO KILLS WHITE MAN.

SAN FRANCISCO, March 28.—Clark Magee, a negro tonight deliberately shot and probably killed a white man, John Walshby for having, as the negro alleges, despoiled his home. McGee then turning his guns on his wife, fired a second shot which went wide.

JEALOUS LOVER'S ACT.

DALLAS, Tex., March 28.—Will T. Walker of Ardmore, L. T., waylaid Grover Record and Miss Myrtle Smith last night as they were returning from a skating rink, shot them both and killed himself. The weapon used was a pistol and four shots were fired, three at the couple and one at himself. Record and Miss Smith will recover, it is believed. The men had both been going to see Miss Smith, but had been friendly in their rivalry. Miss Smith refused to skate with Walker at a roller rink. Walker was a railroad man.

Morning Astorian 65 cents per month.

DENOUNCES HEARST

DeLancey Nicoll Says Hearst Was Traitor to Democracy.

EULOGIZES WILLIAM BRYAN

Declares Hearst Accepted Hospitality of Democratic National Committee, Using Committee's Money, and Then Turned Traitor.

NEW YORK, March 28.—DeL. Nicoll, vice chairman of the Democratic National Committee, in a sensational speech last night at the Democratic Club, with August Belmont presiding, denounced Representative William R. Hearst as a political traitor. The attack came as a surprise. He charged Mr. Hearst with accepting the hospitality of the Democratic National committee, using the committee's money and then stabbing the candidates of the party in the back.

At the same time that he denounced Hearst he eulogized William J. Bryant, describing him as an honorable man, and holding Hearst up in contrast with Bryant. He said, among other things:

"When I recall the treacherous record of this man Hearst, I am compelled to contrast it with the honorable record of William J. Bryant. I know a true Democrat from a false one. Mr. Bryant did his best with his great eloquence and the power of his great personality after he was defeated in the convention, to elect the candidates of his party.

"He could not control all his friends, and we knew when he went on the stump that he would not be able to control them, but he did not sneak into our headquarters with promises of fealty to our common cause and take our money and put out his banner under our banner, and then inspire his emissaries to stab the party's candidates in the back. I was talking with Mr. Belmont tonight and he said I had better not go very deeply into this matter. But I'm not a politician. I'm not looking for anything in politics and can afford to tell the truth."

When Mr. Nicoll concluded Mr. Belmont, the toastmaster, said:

"In the last part of Mr. Nicoll's speech he said he was speaking for himself and that I did not prompt him. All in favor of that part of his speech in which he says I did not prompt him say 'aye!'"

FAVORS INVESTIGATION.

ALBANY, N. Y., March 27.—Governor Higgins declared last night that he was still in favor of an investigation of the State Banking Department, and that if the assembly should fail to pass the measure providing for an investigation the responsibility would rest with that body.

"I believe that there should be an investigation of the department," said the governor. "Responsibility will rest with the assembly if it fails to act. There is now before it a bill for action."

ARGUMENTS CONCLUDED.

Case of Stephen Reynolds to Set Aside Rates Argued.

BOSTON, Mass., March 28.—Arguments in the case of Stephen Reynolds and others against the Supreme Council of the Royal Arcanum, to set aside the new table of rates adopted in May, 1905, were concluded yesterday in the Massachusetts Supreme Court. The court reserved decision.

The plaintiffs charge that the adoption of the new rates was illegal because such action impaired the membership contract and changed the character of the order from a fraternal beneficiary organization to one on life insurance lines.

In reply to the complaint of the complainant the defendant sets forth that the laws of the state gave the order the power to change its laws and adopt the rates which were made in May, 1905.

The organization is a Massachusetts corporation and the decision of the court will affect every member of the order in the United States and Canada.

CUT TIMBER ILLEGALLY.

Prineville Men Held to Answer Before U. S. Grand Jury.

PRINEVILLE, Ore., March 28.—John Dee and A. R. Eastwood were arraigned before United States Commissioner M. R. Biggs yesterday on a charge of cutting timber on Government land. They were held in the sum of \$500 to appear before the United States grand jury.

A Lively Tussle

with that old enemy of the race, Constipation, often ends in Appendicitis. To avoid all serious trouble with Stomach, Liver and Bowels, take Dr. King's New Life Pills. They perfectly regulate these organs, without pain or discomfort. 25c at Chas. Rogers, druggist.

TO PLEASE THE BOYS

IN SELECTING OUR SPRING STOCK WE HAVE NOT OVERLOOKED THE FACT THAT

BOYS WANT SPRING SUITS

THE SAME AS DO THEIR FATHERS, AND WE HAVE GIVEN SPECIAL STUDY TO OUR BOYS CLOTHING FOR SPRING. WE WISH TO CALL YOUR ATTENTION TO

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JUST THE THING FOR OREGON WEATHER. GUARANTEED WATER PROOF. SUITS FROM \$10.00 TO \$10.00

SEE OUR WINDOWS FOR LATEST STYLES IN LATEST FABRICS FOR BOYS

P. A. STOKES

OUR AIM IS TO PLEASE YOU.

OFF FOR GREECE.

ST. LOUIS, March 28.—Marquard Schwarz and Joseph J. Forshaw who will represent the Missouri Athletic Club in the swimming events and the Marathon race, respectively, at the Olympic games at Athens, departed last night for New York.

A boxing squad of five men and their trainer departed at the same time to represent the club in the amateur boxing championships at San Francisco.

A plan to change the inheritance laws so as to abolish all millionaires by birth has been proposed by Prof. John L. March of Union college, Schenectady, N. Y. His suggestion is that all property, with the exception of a certain amount in cash and the homestead which shall be inheritable as at present, shall revert to the state upon the death of the owner. The widow and children then shall receive an annuity based on the amount realized upon the property, this annuity to cease upon the marriage of the widow or daughters and with the completion of the sons' education.

WILL NOT CONFESS.

STOCKTON, Cal., March 28.—Two efforts to secure a confession from Mrs. LeDoux accused of the McVicar murder today failed. The woman asserts she has nothing to confess. The grand jury was empowered today to indict Mrs. LeDoux and there is a rumor that a John Doe indictment will be issued for the man seen with the woman at the spot.

INDETERMINATE SENTENCE.

INDIANAPOLIS, March 28.—David E. Sherrick, former auditor of this state, convicted of embezzling \$12,000 of the state funds, was denied a new trial today and sentenced to serve from two to twenty-one years in the penitentiary.

Always Keeps Chamberlain's Cough Remedy in His House.

"We would not be without Chamberlain's Cough Remedy. It is kept on hand continually in our home," says W. W. Kearney, editor of the Independent, Lowry City, Mo. That is just what every family should do. When kept at hand ready for instant use, a cold may be checked at the outset and cured in much less time than after it has become settled in the system. This remedy is also without a peer for croup in children, and will prevent the attack when given as soon as the child becomes hoarse, or even after the croupy cough appears, which can only be done when the remedy is kept at hand. For sale by Frank Hart and leading druggists.

When you are wearied from overwork, feel listless or languid, or when you cannot sleep or eat, take Hollister's Rocky Mountain Tea. One of the greatest tonics known. 35 cents, Tea of Tablets, Frank Hart, druggist.

FOR FANCY GROCERIES

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ASTORIAGROCERY

We offer you the best goods that you can get in Astoria for the money. Our groceries are always fresh and up-to-date.

Fresh fruits and vegetables in season. Orders by telephone attended to as promptly as if you called at the store.

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Gives Health, Vigor and Tone.

Herbina is a boon for sufferers from anemia. By its use the blood is quickly regenerated and the color becomes normal. The drooping strength is revived. The languor is diminished. Health, vigor and tone predominate. New life and happy activity results. Mrs. Belle H. Shriel Middleborough, Ill., writes, "I have been troubled with liver complaint and poor blood, and have found nothing to benefit me like Herbina. I hope never to be without it. I have wished that I had known of it in my husband's life time." 50c. Sold by Hart's drug store.

NOTICE.

All voters of Clatsop county, irrespective of parties, are hereby invited and requested to meet and participate in a mass meeting to be held in "Logan hall" at Astoria, on Saturday, April 21, 1906, at 10 a. m., for the purpose of nominating a full county ticket to be voted for on Monday, June 4, 1906.

C. J. TRENCHARD,
Chairman of the Citizens' Committee of Astoria, Ore.

MAX W. POHL,
Secretary.

Economic Grocery Buyers Take Notice.

OF OUR

Special Grocery Bargains All This Week

nothing as good nor as cheap elsewhere

Here Are a Few of Them

Radio Laundry Soap 32 bars.....	\$1.00
Keg Pickles, regular \$1.00; special, keg.....	.85
French Prunes, fancy Santa Clara's, 14 pounds.....	1.00
Rhubarb, pound.....	.05
Jams, assorted flavors, regular 25c jar, special.....	.20

THE FOARD & STOKES CO.

ASTORIA'S GREATEST STORE.

"Pale Bohemian Lager Beer"

THE BEER FOR THE HEALTHY WEALTHY AND WISE

on draught and in bottles

Brewed under sanitary conditions and properly aged right here in Astoria.

North Pacific Brewing Co.

ASTORIA, OREGON.

The Best Cough Syrup.

S. L. Apple, ex-Probate Judge, Ottawa Co., Kansas, writes: "This is to say that I have used Ballard's Horehound Syrup for years, and I do not hesitate to recommend it as the best cough syrup I have ever used." 25c 50c and \$1.00. Sold by Hart's drug store.

NOW FOR A NICE DAINTY LITTLE PIECE OF

CHINA

A CHINA TEA POT, CHOCOLATE POT, CUP AND SAUCER OR EVEN A NICE LITTLE TEA SET, MAY BE JUST THE THING YOU ARE WANTING—IF SO THE PLACE TO GO IS THE

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