

## SENATOR TILLMAN ON JUDGES.

Maintained Thesis Are Not Only  
Not Infallible But Not  
Incorruptible.

SHARP TILT WITH SPOONER.

Censure Not Applied to All, Praising  
U. S. Judiciary as Most Exemplary  
in the World.

Washington, May 3.—This was the last day for general debate in the senate on the railroad rate bill, and it was fully occupied. Following a brief speech by Mr. Nelson, Mr. Tillman spoke at length in an effort to show by criticism of individual judges that the power of granting temporary injunctions by inferior United States courts should be taken from them in interstate commerce commission cases, and he was followed by Messrs. Bacon, Bailey, Teller and Foraker, in speeches of some length.

Mr. Tillman's speech consisted mainly of quotations reflecting upon the conduct of federal judges in different parts of the country. While he was speaking he engaged in controversy with Mr. Spooner, in which the Wisconsin senator characterized his adversary's reference to him as "indecent," and during which Mr. Tillman ordered Mr. Spooner to take his seat.

FAITH IN FEDERAL COURTS.

Mr. Tillman rose to express regret that the country's faith in federal courts was not firm. He referred to the decision of the supreme court on the income tax cases, saying that in that decision one of the judges had changed his mind.

SOME NOT INCORRUPTIBLE.

He also cited other cases in other courts, intended to show that some judges are "not only not infallible, but not incorruptible."

The first of the references was to Judge Smith McPherson of Iowa, who was represented in an article in the New York World of the 30th of March last as having appeared at a banquet to Gov. Cummins at Council Bluffs in such a condition as "not to be able to stand up without clinging to a chair."

JUDGES ON A JUNKET.

Mr. Tillman next referred to a pleasure trip to Tampa, given by three railroads to Federal Judges McPherson, Phillips and Pollock. The account was condensed from the Kansas City papers and showed that the judges had been provided with a special car and were accompanied by the general solicitors of the roads giving the excursion. Mr. Tillman said that Judge Phillips had been especially commended by the president in connection with the Paul Morton case, and he contrasted the president's course in this case with his course in criticizing Judge Humphrey in the beef packers case. He would have judges keep themselves above suspicion like Caesar would have had his wife. He would have them in such a position that they would not be subject to the reflections of any "dirty newspaper."

The senator also called attention to a railroad case at Sherman, Tex., in which he declared Circuit Judge McCormick had declined for six years to allow an unprejudiced judge to sit. He said that the matter had been brought to the attention of Congress by a petition and declared that with such a judge sitting in a given case complaints would have to be "whistle for relief."

He would stop judicial tyrants from denying justice.

CASE OF JUDGE JENKINS.

He next called attention to the Northern Pacific railroad receivership, in which Judge James S. Jenkins of the Seventh circuit figured in 1893, and in which an injunction against strikers was granted. Commenting on the facts Mr. Tillman said that Mr. Jenkins had recently retired; "therefore," he added, "he can no more do anything like this."

"I believe it has come to be considered good law to issue injunctions against strikers," said Mr. Tillman, and added: "If it is not, the senator from Wisconsin (Mr. Spooner) will correct me."

The manner of this appeal to an evidently angered Mr. Spooner. He rose and replied sharply, saying:

SPOONER RESENTS TALK.

"The senator from South Carolina forgets what is decent when he challenges me in that manner."

Senator Tillman, when the tilt between him and Mr. Spooner had drawn to a harmless close, returned to his seat on certain federal judges.

He considered the case of Editor J. C. Phillips of the Raleigh (N. C.) News and Observer, who had been thrown into prison for criticizing the appointment of a receiver for the Atlantic & North Carolina railway by Judge Funnell. Mr. Tillman said he could review instances in his own state of acts of tyranny and indecency, but the judge committing them is dead, and settled his accounts elsewhere.

SHOULD IMPEACH PARDEE.

"The senator said he also knew some cases in Georgia, but that he would take up the case of Circuit Judge Pardee in enjoining the Florida railroad commission from instituting a suit to compel the Louisville & Nashville rail-

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If they would try to get along without it. Their answer ought to prove something to you.

road to reduce its fares from 4 to 3 cents a mile. He charged that Pardee ought to be impeached for his course. If impeachment proceedings were brought to the senate, Mr. Tillman predicted that there would not be votes enough to impeach although the judge were proved guilty of violating his oath of office.

Mr. Tillman next paid his respects to the case of Judge Charles Swayne of Florida, whom the senate refused last session to impeach.

CLOSED WITH AN APOLOGY.

Mr. Tillman then closed with an apology, explaining that the situation was such as to require the administering of some "physic." He would not allow the judges to "roam up and down the land, doing whatever the railroads want and refusing to grant relief to the people."

Mr. Bacon said that the same judge that would issue an interlocutory decree must in the end pass upon any case before it, and asked what remedy there was if there were so many deviations of reprehensible conduct.

Mr. Tillman replied that he would depend upon the supreme court.

Mr. Bailey also replied that in case a temporary injunction was granted in a given case it would be held up indefinitely, whereas it would be expedient if there should be no injunction. These declarations led to a controversy over the right of appeal in injunction cases, in which Messrs. Bailey, Spooner, Bacon and Cushman participated.

Mr. Tillman asked Mr. Bacon if he did not believe it proper to call the attention of the subject to the deviation of judges as there was no way of punishing them except by impeachment.

Mr. Bacon responded that the senate had no right to originate charges, and that for it to do so was to usurp the power of the house and in a measure disqualify senators from conducting impeachment proceedings. He admitted that he had voted for the impeachment of Judge Swayne and said that he was sorry Swayne had not been found guilty.

CENSURE NOT WHOLESOME.

Mr. Tillman declared that he had not intended to censure the entire judiciary, but contended that so long as there was such men as McCormick, Pardee and Swayne on the bench the criticism of individual members of the judiciary was justified.

Mr. Teller praised the judiciary of the United States as the most exemplary known to the history of the world, but said he had known of many individuals who departed from the high standard of the great body. He announced himself as favorable to the rate bill as it passed the house with the addition of the Bailey amendment, including the provision for a court review.

Mr. Bailey opposed Mr. Bacon's contention that the judiciary should not be criticized on the floor of the senate.

Consideration of the army appropriation bill was resumed and after further amendment it was passed. Adjournment took place at 5:55 p. m.

KILLED ON FREIGHT TRAIN.

Poughkeepsie, N. Y., May 4.—Leland Duncan, aged 17, of Kansas City, Mo., was instantly killed yesterday while riding on top of a freight car on the New York Central & Hudson River railroad, his head striking a bridge. Duncan was on his way to New York and was accompanied by Theodore Hamilton also of Kansas City, and Charles Butler, of Jersey City.

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## EX-CONSUL M'WADE DEFENDS HIMSELF

For Two Hours He Presents Case  
To House Committee on  
Foreign Affairs.

CONGRATULATED AT THE END.

Reply Was to Charges Made Against  
Him by Asst. Secy. of State  
Pierce.

Washington, May 3.—The house committee on foreign affairs today listened to a statement by former consul general at Canton, China, McWade, in reply to the charges made against him by Third Asst. Secy. of State Pierce. Affidavits were presented by Mr. McWade to show the unreliable and criminal character of those who instigated the charges.

The hearing was behind closed doors. At the outset Mr. McWade was given 10 minutes, but his time was extended to nearly two hours, and when he had concluded members of the committee congratulated him on the showing he had made.

Mr. McWade made charges of a sensational nature against Asst. Secy. of State Pierce. It is considered quite probable that Congress may take up the matter of these charges at a later date.

The only statement of record made by McWade is a letter addressed to the committee. This letter was dated April 25, 1906, by McWade, and is in part as follows:

"A little over six months ago H. H. D. Pierce assured me that I was removed because the president wanted my place, and for no other reason. I now learn through the persistent industry of some anonymous person the nature of the charges preferred against me by H. H. D. Pierce, and I solemnly declare them to be false in every essential particular. I also solemnly declare that they are made by men who have been charged before me with various offenses from murder down, and that these men formed a criminal conspiracy against me to have me removed because my continuance in office meant their absolute compulsory abandonment of their criminal practices within my jurisdiction."

"I solemnly declare that not a reputable man or firm, American or foreign, resident and doing business within my jurisdiction ever uttered a single word of complaint against me, or my administration, a fact which H. H. D. Pierce could have easily ascertained, although he did not devote two hours of that entire time to any investigations whatever. He quotes a certain firm, of which he was a guest, as complaining against me and gives that firm a bill of health for high business character."

A little investigation would have shown that that firm desired my removal because I was largely instrumental in showing up how it had robbed the American railway, and I had stopped its doing so most effectively. I do not in any way directly or indirectly question the high right and privilege of the president to remove me from the position of consul general, to which I was promoted for conspicuous excellence."

"In the name of justice I reiterate the fact that I came from Canton on the date of my removal from office. I demanded a thorough and exhaustive investigation at the hands of your honorable committee when the truth will be fully established or as much so as it is possible after the lapse of two years of suffering and persecution."

## TARIFF QUESTION FORGING TO FRONT

Lively Colloquy in the House Over  
The Price of Steel  
Rails.

IT POINTS TO MORE DEBATE.

Rails Are Sold Cheaper Abroad Because of Very Sharp Competition.

Washington, May 3.—The naval appropriation bill, which carries nearly \$100,000,000 for the naval establishment, was taken up by the house today.

Beyond the explanation of the bill by Mr. Foss of Illinois, chairman of the committee on naval affairs and the running fire of questions which his presentation called forth, there was little interest shown in the earlier part of the debate that ensued.

Toward the close of the day, however, a lively colloquy occurred between Mr. Bates of Pennsylvania, Mr. Williams of Mississippi, Mr. Clark of Missouri and Mr. Payne of New York, over certain statements made by Mr. Bates in relation to the price of steel rails.

The discussion took on a wide tariff range, a forerunner of still further tariff discussion as the session nears its close. The speakers today, except Mr. Foss, Mr. Meyer of Louisiana and Mr. Knowland of California, contented themselves under the latitude furnished by "general debate" with discussing subjects in which they have a particular interest. It is said that general debate will run tomorrow, the bill being taken up by sections on Saturday.

Debate on the naval bill had proceeded listlessly for several hours when suddenly an exceedingly interesting colloquy occurred during the address of Mr. Bates of Pennsylvania. He had been talking about the "dumping" process which the Democrats were using as an example of what the tariff does for the foreign market as against the home market. He gave as a reason for selling steel rails in Canada and Mexico cheaper than in the United States they were sold under the sharpest competition.

Mr. Williams of Mississippi asked for the authority that the English sell abroad cheaper than at home.

Mr. Bates replied that information came from Mr. Gary of the United States Steel corporation.

"An interested witness," replied Mr. Williams, "I challenge the gentleman to give me another witness."

Then the name of Tom Johnson of Ohio was injected into the debate. Mr. Clark asked if the second largest manufacturer of steel rails in this country

was sitting on the floor of the house as a member, had not said that, with the tariff off steel rails could be made at \$12 a ton and sold at \$15. Mr. Bates said he thought that was one of the extravagant statements the gentleman from Ohio loved to indulge in.

Mr. Payne of New York said Mr. Johnson voted for the Wilson tariff bill despite a large protective duty on rails at that time.

Mr. Clark replied that Mr. Johnson voted against the Wilson bill and begged me from the floor of this house to vote against it, and I wish to heaven I had." (Laughter and applause on the Republican side.)

Mr. Knowland of California addressed the house in behalf of a large navy.

The naval appropriation bill was then laid aside and at 9:15 the house adjourned until tomorrow.

University of Utah Dance at Saltair, Saturday, May 5. Train, 8:15. 50c.

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